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| Meeting of: | Welsh Church Act Estate Committee |
| Date of Meeting: | Monday, 20 June 2022 |
| Relevant Scrutiny Committee: | No Relevant Scrutiny Committee |
| Report Title: | Land at Glebe Fields, Sully - Town and Village Green Inquiry Application Update |
| Purpose of Report: | To update Committee on the Application to register Glebe Fields, Sully as a Town and Village Green. |
| Report Owner: | Tom Bowring, Director of Corporate Resources |
| Responsible Officer: | James Docherty, Principal Lawyer, Legal Services |
| Elected Member and Officer Consultation: | <p>Committee Reports - Legal OM Property OM Accountancy</p> <p>No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place</p> |
| Policy Framework: | The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law. |
| <p>Executive Summary</p> <ul style="list-style-type: none"> • The Trust's has appointed Mr Michael Brett, Barrister, to act on its behalf in respect of the Application. • The Trust has submitted an objection to the Application. • The Applicant has submitted a response to the Objection. | |

Recommendations

1. That Committee notes the content of the Objection and the response to the Objection.
2. That should Committee wish to discuss the content of the Objection and/or the response to the Objection that Committee moves to Part 2.

Reasons for Recommendations

1. To note the and acknowledge the making of the Application.
2. To allow Committee to discuss and take confidential legal advice in respect of the Application.

1. Background

- 1.1 The Trust was notified that an Application has been made to the Commons Registration Authority to register the Land as a Town and Village Green pursuant to Section 15(2) of the Commons Act 2006.
- 1.2 In the meeting dated 31 January 2022 the Trust resolved to:
 - (i) provide delegated authority to the Head of Legal and Democratic Services/Operational Manager for Legal Services (in consultation with Operational Manager Accountancy and Operational Manager Property) to respond to consider the Application and respond to it within the timescales required by the Commons Registration Authority; and
 - (ii) provide delegated authority to the Head of Legal and Democratic Services/Operational Manager for Legal Services (in consultation with Operational Manager Accountancy and Operational Manager Property) to instruct a specialist external Barrister to act on behalf of the Trust in respect of the Application, including but not limited to: advising on the merits of the Application; drafting an objection to the Application; appearing on behalf of the Trust in any Public Inquiry which made be held in respect of the Application.
- 1.3 Legal services instructed Counsel, Mr Michael Brett of Francis Taylor Buildings, to act on the Trust's behalf in respect of the Application.

- 1.4 On 25th March 2022 the Trust submitted its objection to the Application to the Commons Registration Authority, a copy of the Objection is attached at Appendix 1 of this Report.
- 1.5 On 26th May 2022 the Applicant submitted a response to the Trust's objection to the Application to the Commons Registration Authority. The Trust received a copy of the response from the Commons Registration Authority on 31st May 2022, a copy of the response is attached at Appendix 2 of this Report.
- 1.6 Legal Services are liaising with Counsel to compose a reply to the response received from the Applicant.

2. Key Issues for Consideration

- 2.1 Under the legislation the Applicants must show that:
"a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they [continued] to do so at the time of the application"
- 2.2 If successful the Application would mean that the Land would be registered as a Town and Village Green.
- 2.3 If the Land was to be registered as a Town and Village Green the value of the Land would be significantly reduced because:

It is a criminal offence to undertake any act which interrupts the use or enjoyment of a green as a place for exercise and recreation or to cause any damage to the green.

It is an offence to drive over a registered town or village green without lawful authority and in certain other circumstances.

It is deemed to be a public nuisance and therefore, an offence, to enclose or encroach on a green, or interfere with, disturb or build on a green, unless this is done "with a view to the better enjoyment of such town or village green.
- 2.4 Following Application and Objection the parties will be given chance to respond to each other's submissions in order to try to narrow the issues on the Application. It is then expected that the Commons Registration Authority will appoint an Independent Inspector to hold a non-statutory Public Inquiry in respect of the Application.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Trust's actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1** The External Legal fees will be met from the Fund's reserves.

Employment

- 4.2** There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

- 5.1** Trust's Objection to the Town and Village Green Application
- 5.2** Applicant's response to the Trust's Objection

**IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY
IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT
2006**

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

**OBJECTION ON BEHALF OF VALE OF
GLAMORGAN COUNCIL**

A. Introduction

1. By an application dated 16 November 2021 (“Application”), the ‘Saving Sully and Lavernock Group’, an unincorporated association chaired by Mr Stephen Thomas (“Applicant”), applied to register land comprising the registered title CYM444313 (“Application Land”) as a town and village green under section 15(2) Commons Act 2006.
2. The Application Land falls into two parts:
 - a. A northern part (“Area A”), bounded to the north by South Road and a small pocket of woodland; to the east by a public right of way; to the west by the ground of Beechwood College; and along a diagonal side running southeast from the boundary with Beechwood College, by a band of shrubs and trees;
 - b. A southern part (“Area B”), beyond the line of shrubs and trees, which is contiguous with and currently undifferentiated from adjoining fields to the west;

bounded by the same public right of way to the east, and to the south by shrubs and trees, beyond which runs the coastal path.

3. Vale of Glamorgan Council (“Council”) objects to the registration and requests that the application be dismissed by the Commons Registration Authority (“CRA”). This objection is supported by a statement prepared by Mr James Docherty.

B. Interest in the land

4. The Council is the freehold owner of the Application Land which, prior to 1914, was glebe land appropriated to a parochial benefice of the Church of England. The Application Land was transferred to the Council’s predecessor authority, Glamorgan County Council, by the Welsh Church Commissioners pursuant to section 8(1)(d) Welsh Church Act 1914 which disestablished the Church of England in Wales and Monmouthshire. On local authority re-organisation in 1974, the Application Land subsequently vested in South Glamorgan County Council by virtue of section 211 Local Government Act 1972. In 1996, on further local government reorganisation under Local Government (Wales) Act 1994, South Glamorgan County Council was abolished, and the Council was created as a unitary authority for the area, the Application Land vesting in it.
5. The Council holds the land as trustee by virtue of a scheme (“Scheme”) created under section 19(1)(a) of the 1914 Act entitled “the County Council of South Glamorgan Welsh Church Fund” (“Fund”) which requires the property to be applied “to any charitable or eleemosynary purpose of local or general utility, including the aiding of poor scholars”.
6. The Council delegates the exercise of its powers as trustee to a committee, the Welsh Church Act Estate Committee (“Committee”), under clause 9.1 of the Scheme. Mr Kevin Mahoney, who has submitted a form in support of the Application (at page 53 of the supporting documentation), is a member of the Council and was until 29 March 2021 a member of the Committee. The Committee manages the financial affairs of the Fund and realises its statutory purpose applying the income from land and investments to make grants to community projects.

C. Assessment of Application and supporting material

7. The Council submits that the material presently before the CRA falls well short of the statutory requirement to prove consistent use as of right by a significant number of inhabitants of the locality between November 2001 and November 2021 (the relevant 20-year period) of the whole area of the Application Land for lawful sports and past-times.
8. The witness statement of Mr Thomas is accompanied by 21 standard forms from individual persons. On examination however, the Council notes the following:
 - a. Bearing in mind that the Applicant has the burden of showing that the statutory test is met, none of the witnesses save Mr S Thomas has provided a statement, and neither Mr S Thomas's statement nor the forms submitted are supported by any corroboratory evidence or material from which can be drawn a detailed and convincing account of the use of the Application Land;
 - b. One of those who has completed a form, Mr Mahoney (referred to above), is not an inhabitant of the area, and thus his evidence is not relevant to the statutory test;
 - c. The 21 other persons (other than Mr Mahoney) in fact comprise only 14 separate households;
 - d. Only 12 of these individuals are able to show 20 years use;
 - e. The predominant form of use claimed is the walking of dogs, with 17 of witnesses claiming that to be their sole use or a component of their use. 3 others indicate recreational walking as their only use.
9. The evidence of Mr Mahoney and Mr Penrose, both elected members of the Council, cannot be evidence of use "as of right". For use to be "as of right" it must be use by a trespasser. As members of the Council, the freehold owner of the Application Land, Mr Mahoney and Mr Penrose were not trespassers on the land. Their use was not "as of right" but "by right" therefore.
10. The evidence of Mr Penrose and Mr S. Thomas is complicated by the fact that, in the years prior to the submission of the Application and in the period during which they

claim to have exercising town and village green rights, they were actively advocating to the Council schemes of development on the Application Land, including for the provision of car parking, a doctor's surgery, and other facilities which would entail construction on the land. During these discussions not only did these persons fail to bring to the attention of the Council their recreational use of the land, but also campaigned for schemes which would be directly contradictory and incompatible to the rights they now claim to have established (witness statement of Mr Docherty paragraphs 5-13 and 16 and Exhibits JD13, 15, 16, 17, and 18)

D. Council evidence

11. The witness statement of Mr Docherty for the Council demonstrates that on 15 April 2011 the Council granted planning permission under reference 2011/00155/FUL (Exhibit JD4) for a material change of use of Area A from "from grazing land to cricket ground and associated car parking facilities". No submissions or objections to this development were tendered by those who now claimed to have exercised town and village green rights over Area A, despite elements of the development granted permission being incompatible with the exercise of those rights.
12. Mr Docherty also exhibits aerial photographs of the site from 2001 to 2020 (Exhibit JD21) which show the following:
 - a. A clear 'desire-line' informal path around the perimeter of Area A can be seen from 2018 onwards. No such phenomenon can be perceived prior to 2013, whilst in 2013 a suggestion of an informal route can be seen at the southern tip of Area A.
 - b. Between 2001 and 2011, Area B was separated from the adjoining fields to the west by a fence, along which by 2009, lie some small trees. After 2011 and before 2013, this separation was removed and the whole area managed together. In 2016 and 2018, Area B can clearly be seen to have been cultivated with an arable crop.
 - c. Area B ceases to be in arable cultivation by 2019. By 2020, informal footpaths can be seen having been formed.

13. Mr Docherty further exhibits two sets of photographs of Area A taken in the course of forfeiture proceedings (on 6 April 2016 and 10 August 2016 at Exhibit JD8 and 4 July 2016 at Exhibit JD10) which show:

- a. That Area A is unmistakably fenced at the point from which photographs are taken;
- b. On 6 April 2016 the visible parts of Area A are in a poor state of repair with some scrub evident, and no desire-lines or informal paths are visible;
- c. On 4 July 2016 the visible parts of Area A are in a very poor state of repair with high scrub throughout, and no desire-lines or informal paths are visible.
- d. On 10 August 2016 some weeks later, although the visible parts of Area A have been cut and baled by the Council following its retaking possession of Area A, consistent with the aerial photograph dated August 2016 at Exhibit JD21, there is no clear evidence of any regular use of the Application Site by way of worn paths or desire lines.

E. Submissions

14. Taking the evidence as it stands, the Council makes the following submissions.

15. As a matter of law, Area A cannot be registered as a town and village green for the following reasons:

- a. Under section 15C Commons Act 2006 (as amended by section 53 Planning (Wales) Act 2015 anaw. 4), “the right under section 15(1) to apply to register land as a town or village green ceases to apply” if one of the “trigger events” specified in Schedule 1B Commons Act 2006 occurs.
- b. Under paragraph 1 of the table in Schedule 1B, one such trigger event is the grant of planning permission in respect of the land in question.
- c. Section 15C (as amended) and Schedule 1B came into force on 22 October 2018 by virtue of article 2, Planning (Wales) Act 2015 (Commencement No. 5 and Transitional Provisions) Order 2018/1022. The Council granted planning permission 2011/00155/FUL in 2011, before the legislation came into force.

- d. Notwithstanding this, article 3(2) of the Order provides (pursuant to section 15C(7) Commons Act 2006) that, for the purposes of section 15C Commons Act 2006, “it does not matter whether [a trigger event] occurred before, on or after” the day on which section 15C came into force.
- e. As such, the Applicant’s right to apply to register the Application Land, so far as it relates to Area A, not longer exists, and the Application should be dismissed so far as it related to Area A

16. Further (and in the alternative in respect of Area A), on the basis of the material presented before the CRA, the Council submits as follows:

- a. The evidence, given by 14 households in support of the Applicant falls well short of demonstrating resort by a significant number of the inhabitants of the administrative Ward of Sully within the area of Sully and Lavernock Community Council, which has a population (in 2011) of 4,543. It cannot be concluded on that material that a landowner ought reasonably to have concluded that a town and village green right was being asserted by the inhabitants generally of that neighbourhood.
- b. A number of people do now use the Application Land, as shown by the emergence of the informal paths, but that use has not been consistent throughout the 20-year period since 2001, but rather has arisen or has significantly intensified from a negligible use to a degree to which it is discernible:
 - i. In respect of Area A, from 2013 at the earliest (that is a period of 8 years prior to the Application) and more likely (having regard to Exhibits JD 8 and JD 9 at some point after mid/late 2016, that is, not more than 5 years prior to the Application);
 - ii. In respect of Area B, from 2019 (that is a period of 2 years prior to the Application) – the Council notes in passing that even if there had been any use of Area B prior to 2016 (which has not been shown), that would have been substantially interrupted, save perhaps for at the perimeter, by the cultivation of the land.

- c. Although almost no detail is given by the Applicant, it would appear that the use of the Application Land is predominantly for walking or dog walking along clearly defined and identifiable tracks. Applying the dicta of Lightman J in Oxfordshire County Council v. Oxford City Council [2004] Ch. 253, this use is more akin to the exercise of a public right of way rather than the exercise of recreational lawful sports and past-times, and where there is any ambiguity that should be resolved in favour of the creation of a lesser right.
- d. Other uses referred to (such as blackberry picking, wildlife watching, and picnicking) are also so attributable and ancillary to the exercise of such a right of way and not town and village green rights generally.
- e. There is no real evidence of use of areas of the Application Land beyond the clearly defined tracks identified in the aerial photographs – there are occasional passing references to children playing, but nothing that is sufficiently consistent and significant that a landowner would have it brought home to them that a town and village green right was being asserted.
- f. The conduct of the Applicant and at least some of the witnesses in supporting schemes of development which would be directly contradictory to the exercise of any town and village green rights militates strong against a finding that their use was such as to bring home to the Council that town and village green rights were being asserted.

F. Conclusion

17. For these reasons, the Council requests that the CRA dismiss the Application.

Michael Brendan Brett

25 March 2022

Francis Taylor Building

Inner Temple London

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

WITNESS STATEMENT OF JAMES DREW DOCHERTY

I, James Drew Docherty, Principal Lawyer for the Vale of Glamorgan Council of Civic Offices, Holton Road, Barry CF63 4RU will say as follows:

Introduction

1. I have been employed by the Vale of Glamorgan Council ("the Council") since June 2016. During that time, I have held various positions within the Council's Legal Services Department and I currently hold the position of Principal Lawyer. I was admitted as a solicitor on the 16 March 2009.
2. As part of my role, since June 2109, I advise the Welsh Church Act Committee on legal matters relevant to its functions and attend the Committee meetings. Following service of the application ("Application") to register land at Glebe Field, Sully ("the Application Land") as new town or village green, the Council's Welsh Church Act Estates Committee resolved to object to the Application and instructed me accordingly.

3. In considering the grounds for objection, I have completed a review of the Council's records, including deeds and documents relating to the Application Land and electronic records on the Council's computer system, as well as reviewing publicly available images on the internet and conducting a visit to the Application Land.

Site history

4. I have been able to establish the following chronology of events in relation to the Application Land:

(i) 1914

Prior to 1914 the Application Land was glebe land appropriated to a parochial benefice of the Church of England. The Welsh Church Act 1914 (Exhibit JD 1) disestablished the Church of England in Wales and Monmouthshire and by virtue of section 4 of that Act vested the land held by the Church of England in Wales and Monmouthshire in the Welsh Church Commissioners, also known as the Commissioners of the Church Temporalities in Wales.

(ii) 11th December 1941

On 11th December 1941 an Agricultural Tenancy Agreement was entered into between (1) The Commissioners of the Church Temporalities in Wales and (2) Andrew Bowen Edmunds in respect of the full extent of the Application Land and other land.

(iii) 1942-47

It is unclear as to the specific date however at a point between 1942 and 1947 the Application Land, along with other land, was transferred to the Council's predecessor authority, Glamorgan County Council, by the Welsh Church Commissioners pursuant to section 8(1)(d) Welsh Church Act 1914

(iv) 27th October 1947

The first Scheme under which the property vested in the Council, including the Application Land, was applied was created on 27th October 1947 by the County and

City of Cardiff Council and was approved by the Secretary of State on 10th February 1948.

(v) 16th September 1968

On 16th September 1968 a Supplemental Agricultural Tenancy Agreement was entered into between (1) The Glamorgan County Council (2) Andrew Bowen Edmunds and (3) Andrew Bowen Edmunds and John Andrew Edmunds in relation to the full extent of the Application Land and other land

(vi) 1974

On local authority re-organisation in 1974, the Application Land subsequently vested in South Glamorgan County Council by virtue of section 211 Local Government Act 1972.

(vii) 25th November 1975

The current Scheme under which the property vested in the Council, including the Application Land, is applied was created by the Council of South Glamorgan on 25th November 1975 and approved by the Secretary of State for Wales on 9th February 1976 (Exhibit JD 2).

(viii) 7th October 1992

On 7th October 1992 the Agricultural Tenancy Agreement referred to in (ii) and (v) above was surrendered by John Andrew Edmunds.

(ix) 1996

In 1996, on further local government reorganisation under Local Government (Wales) Act 1994, South Glamorgan County Council was abolished and the Council was created as a unitary authority for the area, the Application Land vesting in it.

(x) 1st April 2009

On 1st April 2009 a lease of the Application Land was entered into between (1) Vale of Glamorgan Council (acting as Trustee for the Welsh Church Fund) and (2) Sully Centurions Cricket Club (Exhibit JD 3). The permitted use under the lease was for the purposes of playing cricket with ancillary facilities within Class D2 of the Town and Country Planning (Use Classes) Order 1987.

(xi) 15th April 2011

On 15th April 2011, planning permission was granted to Sully Centurions Cricket Club under reference 2011/00155/FUL for the change of use of the northern parcel of the Application Land from grazing land to cricket ground and associated car parking facilities (Exhibit JD 4).

(xii) Implementation of Planning permission

(a) Following the commencement of the Lease to Sully Centurions and the grant of planning permission works were carried out on the demised part of the Application Land site including the levelling of the site and the laying of a cricket square, such works meant that the planning permission was implemented. The extent of the works was confirmed in an e-mail from the Secretary of Sully Cricket Club, Mike Fisher, dated 13th July 2016 (Exhibit JD 5). where he noted that:

"The club has spent £125,000 on the development of the field, including the levelling of the ground and the laying of the cricket square. This work was carried out by South Wales Sports Grounds. £50,000 of this was in the form of a loan from the England and Wales Cricket Board"

(b) Mr Fisher also noted that:

"We will continue to develop the ground as quickly as we can, as we are extremely keen to have this facility not only for ourselves, but also for the village of Sully. We are backed in this respect by Sully Community Council and the 'Save Sully' group, who have both already assisted us financially in securing the entrance to the site".

(c) Furthermore, a witness statement submitted by David Sylvester in respect of forfeiture proceedings (Exhibit JD 6) provides clear evidence of the works being undertaken. This witness statement also contains photographs in exhibit DS2 of Mr Sylvester's statement showing the extent of the works undertaken which show almost all of the northern part of the Application Land having been ploughed and

relevelled. Although the photographs are not dated, these works would appear to have taken place between the granting of planning permission in 2011 and the end of 2013 (noting that the Vale of Glamorgan Council undertook 18 cuts of the grass during 2014 according to the invoice dated September 2014 at exhibit DS3. During the period during which these extensive works were undertaken it would appear to have unattractive for members of the public to access the areas where the releveling and reseeding of the site had been undertaken.

(d) I also note that Mr Sylvester's witness statement at paragraph 4 says:

"When we took over the Glebe Field it effectively was overgrown uneven pasture land which was completely unsuitable for sport at that stage"

(xiii) Forfeiture Litigation

- (a) The correspondence referred to in paragraph (xii) above was in relation to Forfeiture proceedings brought by the Council against Sully Centurions Cricket Club. On 2 June 2016 the Council served on Mr Fisher and Mr David Sylvester (the Chairman of Sully Centurions Cricket Club) a notice pursuant to section 146 of the Law of Property Act 1925 in respect of breaches of covenants in the lease.
- (b) Following a failure to act in accordance with the requirements of the Notice a Claim for Forfeiture and Possession was issued on 4th July 2016 and a Court Order (Exhibit JD 7) was made by Consent of the Parties on 5th December 2016 which formally forfeited the Lease and returned the property into the Council's possession.
- (c) As part of the Litigation David Knevett, Operation Manager for Leisure for the Council, submitted two witness statements the first dated 10th August 2016 and the second dated 17th October 2016. The first witness statement (Exhibit JD 8) includes photographs identifying the condition of the land on 8th April 2016 at Exhibit DK1, the photos show no clear indication of a regular use of the land as claimed in the Application. A further selection of photos are included at Exhibit DK6 which are referred to as showing the condition of the Application Land on or around the 10th August 2016. The second witness statement (Exhibit JD 9) has a selection of photographs indicating the condition of the land on 6th October 2016.

(xiv) 5th July 2016

On 5th July 2016 Adam Sargent, Parks and Open Spaces Officer for the Council, sent an e-mail to Samantha Morrison, Trainee Lawyer, which attached a number of photographs from a site visit Mr Sargent had undertaken the previous day, 4th July 2016, at approximately 5.15pm (Exhibit JD 10). It is clear to see from the photographs that the Application Land is extremely overgrown and there is no evidence from those photographs of any clear regular use of the land by way of worn paths or desire lines.

(xv) 13th July 2017

On 13th July 2017 Huw James, Technician Supervisor, sent an e-mail (Exhibit JD 11) to Lorna Cross, Operational Manager (Property) to confirm, following a site visit:

"The perimeter of the field is thick with bramble and blackthorn to a depth of 30 foot in areas"

(xvi) 11th December 2017

On 11th December 2017 Catherine Shivers, Senior Finance Officer, wrote to Lorna Cross to confirm that the Parks and Grounds Department have completed the following works:

QWO 9501 Glebe Field Sully. Cut field and boundaries after nesting season. Total cost £2035.00.

QWO 9502 Glebe Field Penarth, Cut grass on 8 occasions until October 2017. Total cost £396.00.

QWO 9834 Glebe Field Sully. Clear litter and debris exposed by cutting vegetation. Total cost £330.00.

(xvii) 28th June 2018

On 28th June 2018, Councillor Robert (Bob) Penrose wrote sent an e-mail (Exhibit JD 12) to the Chairman of the Welsh Church Act Committee ("the Committee"), Cllr Geoff Cox, to request that a number of items be dealt with by the Committee the first of which was the fact that the grass on the Application Land was "5ft high".

Meetings of the Committee

5. Several Committee Reports regarding the Application Land have been presented to the Committee during the relevant period in particular in relation to the lease to Sully Centurions, the Forfeiture action against Sully Centurions, the state of the land and more recently the possibility of seeking to dispose of the land in order to raise capital for the Trust Fund to distribute.
6. On 16th July 2018 a report was taken to the Committee by Operational Manager (Property) to seek the approval of the Committee to appoint marketing agents to provide an options report for the marketing of the Application Land. Councillor Penrose, following a request to the Chairman of the Committee which was granted, addressed the Committee to share a proposal for the Application Land for a scheme to include:
 - A Health Care Centre;
 - New Public Library;
 - 100+ Space Car Park;
 - A Private Nursing Home; and
 - Supported Living Bungalow Accommodation

A copy of the minutes of that meeting are attached at Exhibit JD 13.

7. At the Committee meeting on 17th June 2019 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land. The Report included a marketing agent's report from Jones Lang Lesalle which was heard in Part 2 (where the press and public are excluded from the meeting) due to the commercially confidential nature of the Report. The Committee resolved that a marketing brief for the Application Land be presented to the following meeting on 23rd September 2019.

A copy of the minutes of that meeting are attached at Exhibit JD 14

8. At the Committee meeting on 23rd September 2019 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land. The report included a Part 2 Report which detailed Planning, Legal and Estates advice to the Committee for consideration. Councillor Penrose and Mr Stephen Thomas (both of whom have submitted evidence in support of the Town and Village Green Application) along with a Mr R Thomas made a presentation to the

Committee at the meeting for a proposed scheme on the Application Land which would include:

- A public car parking area
- A new building to accommodate an enlarged library;
- A new base for the local GP practice – to include a pharmacy and space available for consulting rooms for other health professionals;
- Environmentally friendly retirement bungalows; and
- Open recreation space.

A copy of the minutes of that meeting are included at Exhibit JD 15

9. On 24th February 2020 the committee held an extraordinary meeting which was preceded by a site visit to the Application Land. At the meeting the Operational Manager (Property) brought a report in respect of the Application Land to present the report of the Qualified Surveyor who had been appointed pursuant to the resolution of the Committee at the 23rd September 2019 meeting. The findings of the Qualified Surveyors report were heard in Part 2.

10. At the meeting Councillor Penrose made a presentation in respect of a proposed scheme to be undertaken by the Sully and Lavernock Community Library Trust (of which both Councillor Penrose and Mr Stephen Thomas are Trustees) as a Community Interest Company for a proposed development to include:

- A Health Centre and associated buildings;
- A new library;
- A new car park;
- The possibility of working with the Education Department of the Vale of Glamorgan Council to deliver the scheme proposed by them in the 23rd September 2019 meeting.

A copy of the minutes of the meeting are attached at Exhibit JD 16

11. As part of his presentation Councillor Penrose stated that the Application Land was *“of poor quality in terms of agricultural land as it was too small to be let for commercial farming, and would only be suitable as grazing land following the removal of existing ragwort”*

12. At the Committee meeting on 28th September 2020 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land. The report in part related to the process for proposing the Application Land as a candidate allocation in the LDP Review and that the Vale of Glamorgan Planning department be instructed to undertake a Development Site Review. It also, in Part 2, presented an offer which had been made by Sully and Lavernock Community Library Trust which is minuted as being in respect of 2 acres of the Application Land which the Committee resolved was currently deemed to be premature and would need to be submitted at the appropriate time as part of any future open marketing process.

The minutes of the meeting are attached at Exhibit JD 17

13. At the Committee meeting on 18th January 2021 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land to consider the Development Site Review Report prepared by the Planning department in Part 2 of the meeting. At the meeting Councillor Penrose addressed the Committee to reiterate the Sully and Lavernock Community Library Trust's expression of interest to purchase the Application Land with the intention of constructing an extension to Sully Library, a doctor's surgery, a car park and 25 retirement bungalows.

A copy of the minutes of the meeting are attached at Exhibit JD 18 - it is noted that the minutes are incorrectly dated 18th January 2020.

14. At the Committee meeting on 14th June 2021 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land to consider an update to the Agricultural Land Classification Survey and consider the next steps with regard to the Application Land.

A copy of the minutes of the meeting are included at Exhibit JD 19

15. At the Committee meeting on 4th October 2021 a report was taken by the Operational Manager (Property) for consideration by the Committee in respect of the Application Land to update the Committee on the requirements the Application Land would need to demonstrate for a valid submission as a candidate state.

A copy of the minutes of the meeting are included at Exhibit JD 20

16. The Application include a number of Open Space Society standard forms which include forms submitted by Councillor Penrose and Councillor Kevin Mahoney. Both Councillors have been elected members of the Council for the Sully ward since the Local Government elections in May 2012. Councillor Mahoney sat on the Committee between 2012 - 2016 and between 2019 - 29th March 2021.
17. Attached at Exhibit JD 21 are a number of images of the Application Land from Google Earth during the following years 2001, 2006, 2009, 2011, 2013, 2016, 2018, 2019, February 2020, May 2020 which show an aerial view of the Application Land.
18. From the images it is clear that at the end of the first Covid lockdown in May 2020 that the Application Land has clearly been well used and there are clear desire lines visible around the perimeter of the northern field parcel with some additional land use in the southern parcel both around the perimeter and between some of the access points to the south and east.
19. The image in February 2020 has clear evidence of desire lines in the southern parcel of the Application Land but the use in the northern parcel is not so clear. The 2019 image shows some use around the perimeters of the Application Land whilst the 2018 image shows only evidence of use in the northern parcel.
20. The 2016 image reflects the position shown in the images attached to Mr Knevett's witness statement with a number of large bales shown in the northern parcel but no evidence of use on the Application Land.
21. The 2013 image shows the extent of the work carried out by Sully Centurions Cricket Club as described in Mr Sylvester's Witness Statement but there is no clear evidence of use on any of the Application Land.
22. The images from 2011, 2009, 2006 and 2001 also do not appear to show any clear evidence of use of the land by way of desire lines being visible.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed :

A rectangular box containing a thick black horizontal bar that completely obscures the signature.

Date :

25 . 03 . 2022

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD1

Welsh Church Act 1914

1914 (4 and 5 Geo. 5 C. 91)

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An Act to terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof, and for other purposes in connection with the matters aforesaid.

[18th September 1914]

1

Notes

¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2


Extent

Preamble: England, Wales, Scotland

PART I

DISESTABLISHMENT AND VESTING AND DISTRIBUTION OF PROPERTY

Disestablishment

 Law In Force

1. Disestablishment and prohibition of future appointments.

On the day [...] ¹ (in this Act referred to as the date of disestablishment), the Church of England, so far as it extends to and exists in Wales and Monmouthshire (in this Act referred to as the Church in Wales), shall cease to be established by law, and, save as by this Act provided, no person shall, after the passing of this Act, be appointed or nominated by His Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in the Church in Wales.

²

Notes


- ¹ Words repealed by Statute Law Revision Act 1927 (c. 42)
- ² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Pt I s. 1: September 18, 1914

Extent

Pt I s. 1: England, Wales, Scotland

 Law In Force

2.— Ecclesiastical corporations and bishops.

(1) On the date of disestablishment every cathedral and ecclesiastical corporation in the Church in Wales, whether sole or aggregate, shall be dissolved.

(2) On and after the date of disestablishment no bishop of the Church in Wales shall as such be summoned to or be qualified to sit or vote as a Lord of Parliament; but save as aforesaid every person who is at the passing of this Act a bishop, dean, canon, or archdeacon of or the holder of any ecclesiastical office in the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed.

(3) Writs of summons shall be issued to bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their sees.

(4) [...] ¹

Notes


- ¹ Repealed by House of Commons (Removal of Clergy Disqualification) Act 2001 c. 13 Sch.2 para.1 (May 11, 2001)

Commencement

Pt I s. 2: September 18, 1914

Extent

Pt I s. 2(1)-(4): England, Wales, Scotland

 Law In Force

3.— Ecclesiastical law and courts.

(1) As from the date of disestablishment ecclesiastical courts and persons in Wales and Monmouthshire shall cease to exercise any jurisdiction, and the ecclesiastical law of the Church in Wales shall cease to exist as law.

(2) As from the same date the then existing ecclesiastical law and the then existing articles, doctrines, rites, rules, discipline, and ordinances of the Church of England shall, with and subject to such modification or alteration, if any, as after the passing of this Act may be duly made therein, according to the constitution and regulations for the time being of the Church in Wales, be binding on the members for the time being of the Church in Wales in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound:

Provided that no alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales, shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within one month after the making of the alteration, signifies in writing to the representative body herein-after mentioned his dissent therefrom.

(3) The said constitution and regulations of the Church in Wales may, notwithstanding anything in this section, provide for the establishment for the Church in Wales of ecclesiastical courts, and, if the Archbishop of Canterbury consents, for appeals from any of the courts so established being heard and determined by the provincial court of the Archbishop, and the Archbishop may, with the approval of His Majesty in Council, give such consent, but no such courts shall exercise any coercive jurisdiction and no appeal shall lie from any such court to His Majesty in Council.

(4) The power of making by such constitution and regulations alterations and modifications in ecclesiastical law shall include the power of altering and modifying such law so far as it is embodied in [...]¹ any [...]¹ Act of Parliament.

(5) As from the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

Notes

¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


Commencement

Pt I s. 3: September 18, 1914

Extent

Pt I s. 3(1)-(5): England, Wales, Scotland

Vesting of Property

 Law In Force

4.— Vesting of property.

(1) As from the date of disestablishment there shall [...] ¹ vest in the Welsh Commissioners hereinafter mentioned—

(a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty, which is ascertained as hereinafter mentioned to be Welsh ecclesiastical property; and

(b) all property not so vested, and not consisting of charges on the common fund of the Ecclesiastical Commissioners, which, at the passing of this Act, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such;

subject, in the case of all such property, to all tenancies, charges, and incumbrances, and to all rights and interests saved by this Act, affecting the property.

(2) [...] ²

Notes

¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


² Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt I s. 4: September 18, 1914

Extent

Pt I s. 4(1)-(2) Proviso. 002: England, Wales, Scotland

 Law In Force

5.— Apportionment of property by Ecclesiastical Commissioners and Queen Anne's Bounty.

(1) The Ecclesiastical Commissioners shall, as soon as may be after the passing of this Act and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, consists of property of either of the classes or descriptions mentioned in Part I of the First Schedule to this Act, and property so ascertained and declared shall, subject to the adjustments made in accordance with Part II of the same Schedule, and to such alterations therein as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act.

(2) Queen Anne's Bounty shall as soon as may be after the passing of this Act, and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, is property of the class or description mentioned in the Second Schedule to this Act, and all property so ascertained and declared shall, subject to such alterations therein and additions thereto as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act, and the order shall distinguish between the property derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund or moneys provided by Parliament and property derived from other sources.

(3) There shall as from the passing of this Act become vested in the Ecclesiastical Commissioners and Queen Anne's Bounty respectively all property (other than ecclesiastical residences) belonging to or appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, towards the purchase of which grants made by the Ecclesiastical Commissioners and Queen Anne's Bounty respectively have been applied; but such vesting shall not affect any beneficial interest in any such property.

(4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section and the Schedules therein referred to shall be made with the concurrence of the Welsh Commissioners, or, in default of such concurrence, with the approval of His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

1

Notes


¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Pt I s. 5: September 18, 1914

Extent

Pt I s. 5(1)-(4): England, Wales, Scotland

 Law In Force

6. Powers and liabilities of Ecclesiastical Commissioners and Queen Anne's Bounty after disestablishment:

As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease:

Provided that—

- (a) they shall continue to make such payments as are required for the purpose of preserving any existing interests; and
- (b)-(d) [...] ¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt I s. 6: September 18, 1914

Extent

Pt I s. 6 Proviso. 003- Proviso. 003(d): England, Wales, Scotland


 Repealed

7.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Distribution of Property

 Law In Force

8.— Distribution of property by Welsh Commissioners.

(1) Subject to the provisions of this Act, the Welsh Commissioners shall by order transfer the property vested in them by this Act, as follows:—

(a) they shall transfer to the representative body—

(i) all churches;

(ii) all ecclesiastical residences, together with any moveable chattels held and enjoyed with or as incident to the occupation of any such residence, by the incumbent for the time being of the office to which the residence is attached;

(iii) all funds or endowments specially allocated to the repair, restoration, or improvement of the fabric of any such church or ecclesiastical residence;

(iv) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of moneys provided by Parliament;

(v) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund;

(vi) all private benefactions;

(vii) if so requested by the representative body, any glebe or other land, not comprised within any of the above-mentioned categories and not being a burial ground; subject to the payment by the representative body to the Welsh Commissioners of a sum equal to the value thereof, such value to be determined in default of agreement by arbitration, regard being had to the tenancies, charges, incumbrances, interests, and rights subject to which the land is transferred to the representative body;

(viii) if so requested by the representative body, any burial grounds which before the date of disestablishment have been closed under or in pursuance of the provisions of any Act of Parliament or of any Order in Council made thereunder;

(b) [...]¹

(c) of the property not so transferred to the representative body they shall transfer any tithe rentcharge which was formerly appropriated to the use of any parochial benefice to the council of the county in which the land out of which the tithe rentcharge issues is situate:

Provided that where such land is not situate in Wales or Monmouthshire they shall transfer the tithe rentcharge to the council of such county in Wales and Monmouthshire as the Welsh Commissioners think fit;

(d) of the property not so transferred to the representative body they shall transfer any other property which was formerly appropriated to the use of any parochial benefice (including the money paid under this section by the representative body in respect of glebes) to the council of the county in which the ecclesiastical parish to the use of which the property was so appropriated is situate:

Provided that if such ecclesiastical parish is situate in more than one county the property shall be transferred to such one or more of those councils or be divided between them as the Welsh Commissioners may think fit;

(e) they shall transfer all other property vested in them to the University of Wales.

(2) Save as otherwise provided by this Act, all property transferred under this section shall be held subject to all existing public and private rights with respect thereto, and all tenancies, charges, and incumbrances which may at the date of transfer be subsisting therein, and in the case of all such property, except tithe rentcharge transferred to a county council, to the existing interests of all persons who at the passing of this Act hold ecclesiastical offices in the Church in Wales, and in the case of such tithe rentcharge to the obligation to make such provision as is herein-after mentioned in lieu of such existing interests.

(3) [...]²

Notes

¹ Repealed by Welsh Church (Burial Grounds) Act 1945 (c. 27) s. 6(2)

² Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


Commencement

Pt I s. 8: September 18, 1914

Extent

Pt I s. 8(1)-(3): England, Wales, Scotland

Border Parishes

 Law In Force

9.— Provisions as to border parishes.

(1) The Welsh Commissioners shall, as soon as may be after the passing of this Act, with respect to any ecclesiastical parish part only whereof is situate in Wales or Monmouthshire, by order determine, with reference to the general wishes of the parishioners, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be treated accordingly [...]¹

(2) The Ecclesiastical Commissioners shall by order attach to an English diocese any ecclesiastical parish which at the passing of this Act is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any such ecclesiastical parish which under this section is to be treated as being

wholly without Wales or Monmouthshire, and may make any provisions which appear to them necessary or incidental to such attachment, including the transfer to the bishop of the diocese to which the parish is attached of the right of patronage in any case where such right was immediately before the passing of this Act vested in any cathedral or ecclesiastical corporation dissolved by this Act, but no such order shall come into effect until the date of disestablishment.

(3) Any ecclesiastical parish which is at the passing of this Act situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, and forms part of an English diocese, shall, as from the date of disestablishment, cease to form part of that diocese, and shall be attached to such Welsh diocese as may be determined in manner provided by the constitution and regulations of the Church in Wales.

(4) Save as by this section provided, nothing in this Act shall affect any English diocese.

^{2 3 4}

Notes

- ¹ Words repealed by Statute Law Revision Act 1927 (c. 42)
- ² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2
- ³ S. 9(1) applied by Welsh Church (Temporalities) Act 1919 (c. 65)s. 8
- ⁴ S. 9(3) applied by Welsh Church (Temporalities) Act 1919 (c. 65) s. 8

Commencement

Pt I s. 9: September 18, 1914

Extent

Pt I s. 9(1)-(4): England, Wales, Scotland

PART II

WELSH COMMISSIONERS AND REPRESENTATIVE BODY

Welsh Commissioners

 Repealed

10.— [...]¹

Notes

- ¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)
-

 Repealed

11.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


 Repealed

12.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Constitution of Representative Body

 Law In Force

13.— **Power to hold synods and constitute representative body.**

(1) Nothing in any Act, law, or custom shall prevent the bishops, clergy, and laity of the Church in Wales from holding synods or electing representatives thereto, or from framing, either by themselves or by their representatives elected in such manner as they think fit, constitutions and regulations for the general management and good government of the Church in Wales and the property and affairs thereof, whether as a whole or according to dioceses, and the future representation of members thereof in a general synod or in diocesan synods, or otherwise.

(2) If at any time it is shown to the satisfaction of His Majesty the King that the said bishops, clergy, and laity have appointed any persons to represent them, and hold property for any of their uses and purposes, His Majesty in Council may by charter incorporate such persons (in this Act referred to as the representative body), [...]¹

²

Notes

¹ Words repealed by Charities Act 1960 (c. 58), Sch. 7 Pt. II

² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Pt II s. 13: September 18, 1914

Extent

Pt II s. 13(1)-(2): England, Wales, Scotland

PART III

EXISTING INTERESTS: COMPENSATION: APPLICATION OF RESIDUE


Provisions as to existing Interests, and Compensation therefor

 Repealed

14.— [...]¹

Notes


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

15.— [...]¹

Notes


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

16. [...]¹

Notes


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

17. [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


 Repealed

18. [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Application of Residue

 Law In Force

19.— Application of residue of property.

(1) Subject to the provisions of this Act, the property vested in the Welsh Commissioners by this Act, other than the property transferred to the representative body and burial grounds, shall be applied as follows:—

(a) [Property vested in a Welsh county council or county borough council by virtue of a designation made under section 50 of the Local Government (Wales) Act 1994 shall be applied; in accordance with one or more schemes made by a Welsh county council or county borough council either]¹ alone or jointly with any other such council and approved by the Secretary of State, to any charitable or eleemosynary purpose of local or general utility, including the aiding of poor scholars;

(b) All other property to which this section relates shall be applied in the first instance towards payment of the expenses of carrying this Act into execution (exclusive of any expenses incurred in the administration of any scheme made by a county [or county borough]² council) and, subject thereto, shall be applied by the University of Wales by way of the appropriation or payment either of capital or annual sums, or partly in one such way and partly in the other, for the benefit of the University and the following institutions, that is to say, the University College of Wales, Aberystwyth, the University College of North Wales, The University College of South Wales and Monmouthshire, [the University College of Swansea]³ and the National Library of Wales, so, however, that the ultimate share of each such university college shall be [three sixteenths]⁴, and of the National Library of Wales one-eighth, of the total amount so distributable, and that in applying its share each such university college shall have regard to the needs of poor scholars.

(2) In framing schemes under this section as to the application of property formerly appropriated to the use of parochial benefices, due regard shall be had to the wants and circumstances of the parish in which the property is situate or from which it is or has been derived, and of the parish comprising the ecclesiastical parish to which any such property was attached, and generally to the circumstances of each particular case.

(3) A scheme made under this section may be amended or revoked by a scheme made and confirmed in like manner as the original scheme.

(4) Every scheme made and confirmed under this section shall be laid before both Houses of Parliament as soon as may be after it is confirmed, and shall have effect as if enacted in this Act.

Notes

¹ Words substituted by Local Government (Wales) Act 1994 c. 19 Sch.16 para.6(a) (April 1, 1996)

² Words inserted by Local Government (Wales) Act 1994 c. 19 Sch.16 para.6(b) (April 1, 1996)

³ Words inserted by Welsh Church (Amendment) Act 1938 (c. 39), s. 1

⁴ Words substituted by Welsh Church (Amendment) Act 1938 (c. 39), s. 1

Commencement

Pt III s. 19: September 18, 1914

Extent

Pt III s. 19(1)-(4): England, Wales, Scotland

PART IV
SUPPLEMENTAL

 Repealed

20. [...]¹**Notes**


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

21. [...]¹
₂**Notes**

¹ Repealed by Statute Law Revision Act 1927 (c. 42)

² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

 Law In Force

22.— Provision as to trusts.**(1) [...]¹**

(2) Where any ecclesiastical persons are immediately before the date of disestablishment in right of their offices entitled to be trustees of any property held in trust for any charitable purpose, or members of any bodies constituted for the management of any private endowment, or trustees for the management of property belonging to institutions or private foundations for purposes not ecclesiastical, or to exercise any control or to give any consent or approval in respect of any trust, endowment, foundation, or institution, then the persons (if any) who may hereafter at any time discharge duties similar or analogous to those now discharged by those ecclesiastical persons, and in succession to them, shall be entitled to succeed in their room and to be members of such bodies and to act as such trustees and to exercise such control and to give such consent or approval:

Provided that the bishops of the Church in Wales shall not as such continue to be Ecclesiastical Commissioners or Governors of Queen Anne's Bounty.

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 22: September 18, 1914

Extent

Pt IV s. 22(1)-(2) Proviso. 012: England, Wales, Scotland


 Repealed

23. [...]¹
2

Notes

¹ Repealed by Welsh Church (Temporalities) Act 1919 (c. 65), s. 6

² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

 Law In Force

24.— Supplemental provisions as to burial grounds.

(1) [...]¹

(2) The vesting of any burial ground under this Act shall be without prejudice to any existing public and private rights of burial therein.

(3) Where any burial ground which, under this Act, is transferred to any authority (whether a burial board, council, chairman of a parish meeting and overseers, or trustees) adjoins a church vested in the representative body, then after the determination of the incumbency of the existing incumbent—

(a) the burial ground shall be held subject to a right of way in the representative body, and the clergy and congregation attending the church, and such other persons as may resort thereto for the purpose of public or private worship, or of repairing the church, or for any other lawful purpose; and

(b) no funeral shall be allowed to take place during the usual time of the ordinary services in the church, and such other regulations shall be made by the Secretary of State as may be found necessary to prevent any interference, by persons attending funerals, with the clergy or congregation attending the church; and

(c) any road or path through the burial ground to the church shall be kept in good and sufficient repair by the authority; and

(d) where the use of part of the burial ground is required for the enlargement or repair of the church, it may be so used in any case where it might lawfully have been so used, and subject to the like conditions and restrictions, as if this Act had not been passed, and where used for the purpose of the enlargement of the church the part so used shall thereupon vest in the representative body.

(4) Subject as aforesaid, every such burial ground shall after the determination of the incumbency of the existing incumbent be held for the same purposes and subject to the same rules and regulations as if the Burial Acts 1852 to 1906, were in force in the area of the authority by which the burial ground is to be administered and as if it were a burial ground provided under those Acts, and those Acts, so far as is consistent with the tenor thereof, and with the provisions of this Act, shall apply accordingly:

Provided that where any such burial ground is under this Act transferred to the chairman of the parish meeting and overseers of a rural parish the necessary steps shall forthwith be taken for the constitution of a burial authority for the parish.

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 24: September 18, 1914

Extent

Pt IV s. 24(1)-(4) Proviso. 013: England, Wales, Scotland

Law In Force

25.— Powers of vestries and churchwardens.

(1) There shall be transferred to the council of every borough and urban district in Wales and Monmouthshire—

(a) the powers, duties, and liabilities of the vestry of every parish within the borough or urban district, except so far as they relate to the affairs of the church or to ecclesiastical charities;

(b) the powers, duties, and liabilities of the churchwardens of every such parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing closed burial grounds wherever the expenses of such maintenance and repair are payable out of the poor rate under the Burial Act 1855, and the burial ground is not transferred to the representative body.

(2) The council of every such borough and urban district shall have the like powers and duties with regard to the appointment of overseers and the appointment and revocation of appointment of assistant overseers as are conferred on parish councils by section five of the Local Government Act 1894, and that section shall apply accordingly:

Provided that paragraph (c) of subsection (2) of that section shall not, unless the Local Government Board otherwise direct, apply to any parish in any such borough or urban district, but the legal interest in all property referred to in the said paragraph, and with the exception therein mentioned, shall vest only in the overseers of the parish, subject to all trusts and liabilities affecting the same.

(3) Nothing in this section shall affect any order which may have been made by the Local Government Board under section thirty-three of the Local Government Act 1894.

123

Notes


- ¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2
- ² Overseers abolished and property transferred to rating authorities: Rating and Valuation Act 1925 (c. 90), s. 62(3) and London Government Act 1963 (c. 33), Sch. 1 Pt. II
- ³ Powers and duties transferred by s. 25(1) now exercisable by district councils: Local Government Act 1972 (c. 70), s. 179(3)

Commencement

Pt IV s. 25: September 18, 1914

Extent


Pt IV s. 25(1)-(3): England, Wales, Scotland

 Repealed

26. [...] ¹

Notes

- ¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)
-

 Law In Force

27.— Powers of management and sale.

(1) [A] ¹ ny local authority shall, with respect to any property vested in them by or under this Act, have power to manage the property and, as incidental thereto, power to sell, lease, or exchange any part thereof; but any such power of sale, leasing, or exchange shall not be exercised [...] ¹ by a local authority without such consent as is by law required for the purposes of the sale, leasing, or exchange of land by that authority:

Provided that nothing in this section shall be construed as conferring a power on any authority to sell any part of a burial ground.

(2) The property transferred under this Act to the University of Wales shall not be reckoned as part of the property held by that university for the purposes of the limitation contained in the charter of the university on the amount of property which they are authorised to hold, and the university may, notwithstanding anything in that charter, hold and apply the property so transferred to them, and make any payments thereout required for preserving existing interests, in accordance with the provisions of this Act, and shall for that purpose have power to manage the property, and as incidental thereto to sell, lease, or exchange any part thereof; but no such power of sale, leasing, or exchange shall, whilst the university continues liable to make payments for the purpose of preserving existing interests, be exercised without the consent of the Treasury.

(3) [...]²

Notes

¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)


² Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 27: September 18, 1914

Extent

Pt IV s. 27(1)-(3): England, Wales, Scotland

 Law In Force

28.— Supplemental provisions as to tithe rentcharge.

(1) Nothing in this Act shall affect any liability to pay tithe rentcharge, or the liability of any lay impropriator of any tithe rentcharge to repair any ecclesiastical building, but a county council shall not, by reason of being entitled to or receiving any tithe rentcharge under this Act, be liable for the repair of any ecclesiastical building.

(2) Such liability as aforesaid of a lay impropriator may be enforced in the temporal courts at the instance of the representative body in like manner as if such liability arose under a covenant made with the representative body and running with the tithe rentcharge.

¹

Notes


¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Pt IV s. 28: September 18, 1914

Extent

Pt IV s. 28(1)-(2): England, Wales, Scotland

 Law In Force

29.— Delivery up of and access to books and documents.

(1)-(3) [...]¹

(4) Where by virtue of this section any books and documents are handed over to any body and relate also to property transferred to some other body, the body to whom those books and documents are handed over shall be under the same liability as respects the production and the delivery of copies of those books and documents as if they had given to that other body as incident to a

conveyance on sale an acknowledgement in writing of the right of that other body to production of those books and documents and to delivery of copies thereof.

(5) Nothing in this section shall affect section seventeen of the Local Government Act 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture and Fisheries.

Notes


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 29: September 18, 1914

Extent

Pt IV s. 29(1)-(5): England, Wales, Scotland

 Repealed

30.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

31.— [...]¹

Notes


¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Repealed

32.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

 Law In Force

33.— Provisions as to building charges.

(1) As respects the charges on the emoluments of ecclesiastical offices in the Church in Wales created in favour of Queen Anne's Bounty under the Clergy Residences Repair Act 1776, the Pluralities Act 1838, the Ecclesiastical Dilapidations Act 1871, the Ecclesiastical Commissioners Act 1836, or the Ecclesiastical Commissioners Act 1840 as amended or extended by any subsequent

enactment, which are subsisting at the passing of this Act, Queen Anne's Bounty shall, as soon as may be after the passing of this Act, ascertain and by order declare which of those charges were created for securing money raised for the purpose of property to be transferred to a county council, and where raised partly for the purpose of such property and partly for the purpose of other property may by their order make such apportionment as may be necessary.

(2) On the determination of the existing interest of the holder of any such ecclesiastical office in the emoluments of his office, the charge comprised in such an order as aforesaid, or the apportioned part thereof, shall become a charge on the property for the purposes to which the money was raised, and on the county fund of the county to which the property is transferred, and all other property shall be exonerated therefrom. In other cases the charge shall on such determination become a charge on the property for the time being vested in the representative body, and all other property shall be exonerated therefrom.

(3)-(4) [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 33: September 18, 1914

Extent

Pt IV s. 33(1)-(4): England, Wales, Scotland

⊖ Repealed

34. [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

⊕ Law In Force

35.— Adjustment of debts and liabilities.

(1) The authorities interested (including [...]¹ the Ecclesiastical Commissioners, Queen Anne's Bounty, the representative body, the University of Wales, and any local authority) may make agreements for adjusting or apportioning any property, income, debts, liabilities, and expenses, so far as affected by this Act, or by any scheme or order under this Act, of the parties to the agreement.

(2) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, or liabilities so transferred or retained, or of joint user, or in respect of the salary or remuneration of any officer or person.

(3) The power to make such agreements shall, in the case where parts of property subject to a charge are under this Act transferred to different bodies, include a power for the Welsh Commissioners

and the representative body to agree as to the body by which or the proportions in which the several bodies are as between themselves to be liable for the charge, but nothing in such an agreement shall prejudice the right of any such person to any such charge or any charge under statute or otherwise for the recovery thereof or any part thereof.

(4) In default of agreement, and as far as any such agreement does not extend, any adjustment required for the purposes of this Act shall be referred to arbitration.

Notes


¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 35: September 18, 1914

Extent

Pt IV s. 35(1)-(4): England, Wales, Scotland

 Law In Force

36. Arbitration.

Any arbitration under this Act shall be conducted in accordance with the [Arbitration Act 1950]¹ and the arbitrator shall have power to disallow as to costs in the arbitration the costs of any witness whom he may consider to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement under the last foregoing section might have `.

²

Notes

¹ Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)


² Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Pt IV s. 36: September 18, 1914

Extent

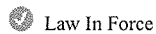
Pt IV s. 36: England, Wales, Scotland

 Repealed

37. [...] ¹

Notes

¹ Repealed by Courts and Legal Services Act 1990 c. 41 Sch.19 para.13(1) (July 1, 1991)



38.— Interpretation.

(1) In this Act, unless the context otherwise requires,—

The expression “existing” means existing at the passing of this Act:

The expression “ecclesiastical office” means any bishopric, ecclesiastical dignity, or preferment within the meaning of the Church Discipline Act 1840 and includes any lay office in connection therewith, or in connection with any cathedral corporation:

The expression “cathedral corporation” means any dean and chapter, and also any corporation of minor canons, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Wales:

The expression “ecclesiastical person” means a bishop and the holder of any ecclesiastical office who is in holy orders:

The expression “parochial benefice” has the same meaning as “benefice” in the Incumbents Resignation Act 1871:

The expression “right of patronage” includes any advowson, right of presentation, or right of nomination to an ecclesiastical office:

The expression “synod” includes any assembly or convention:

The expression “property” includes all property, real and personal, including things in action and rights of action; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office as such, or for any cathedral or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation; and the burial ground of any ecclesiastical parish shall, unless provided under the Burial Acts 1852 to 1906 or the Public Health (Interments) Act 1879 or otherwise vested in any local or other public authority, be deemed for the purposes of this Act to be property belonging to an ecclesiastical office in the Church in Wales:

The expression “church” includes cathedral and other churches, chapels of ease, and other public chapels of the Church in Wales and in the case of a cathedral church includes the chapter house and cloisters and other precincts of the cathedral church:

The expression “ecclesiastical residence” means any parsonage house and any house of residence provided for an assistant curate and any house of residence of any bishop or member or officer of a cathedral corporation and any offices belonging thereto:

The expression “house” includes any curtilage or garden appurtenant to or usually occupied with the house:

The expression “burial authority” means any burial board and any council, committee, or other local authority having the powers and duties of a burial board under the Burial Acts 1852 to 1906 and any local authority (other than a rural district council) maintaining a cemetery under the Public Health (Interments) Act 1879, or under any local Act:

The expression “tithe rentcharge” includes all payments in lieu of or in the nature of tithes or tithe rentcharge:

[...]¹

The expression “county” includes a county borough, and the expression “county council” includes the council of a county borough, and “county fund” in relation to a county borough means the borough fund or borough rate.

(2) Property shall not for the purposes of this Act be deemed to be situate in Wales or Monmouthshire by reason only of being invested in the stocks, funds, or securities of any company owning property so situate.

(3) In all enactments, deeds, and other documents in which mention is made of the Church of England, the enactments and provisions relating thereto shall be construed as including the Church in Wales, but as to that Church subject to the provisions of this Act.

(4) For removing doubts it is hereby declared that the Principal or other member of Jesus College, Oxford, who may from time to time be rector of Llandyssil, shall as such be treated as a lay impropiator and not as the holder of an ecclesiastical office.

Notes


¹ Words repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

Commencement

Pt IV s. 38: September 18, 1914

Extent

Pt IV s. 38(1)-(4): England, Wales, Scotland

 Law In Force

39. Short title.

This Act may be cited as the Welsh Church Act 1914.

¹

Notes

¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2


Commencement

Pt IV s. 39: September 18, 1914

Extent

Pt IV s. 39: England, Wales, Scotland

FIRST SCHEDULE**Section 5(1)****PART I****PROPERTY VESTED IN THE ECCLESIASTICAL COMMISSIONERS WHICH IS TO
BE DEEMED WELSH ECCLESIASTICAL PROPERTY**

 Law In Force

(1) Property which does not belong to and is not appropriated to the use of any ecclesiastical office or cathedral corporation, but which is, or is the produce of, or is or has been derived from, property which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such.

Any property situate in, or issuing out of property situate in, Wales or Monmouthshire which has been purchased by the Ecclesiastical Commissioners shall be deemed to have been purchased with the proceeds of sale of and so derived from property which immediately before being vested in the Ecclesiastical Commissioners belonged to an ecclesiastical office or cathedral corporation in the Church in Wales, and the produce of such last-mentioned property shall be taken as having been diminished by the amount expended by the Ecclesiastical Commissioners on such purchases.

(2) Property which belongs to, or is appropriated to the use of, any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, and which is or has been derived from sources other than grants made by the Ecclesiastical Commissioners.

¹

Notes

¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement


Sch. 1(I) para. 1: September 18, 1914

Extent

Sch. 1(I) para. 1(1)-(2): England, Wales, Scotland

PART II

ADJUSTMENTS

 Law In Force

(1) The Ecclesiastical Commissioners shall exchange such property comprised in paragraph (1) of Part I. of this Schedule as is property situate elsewhere than in Wales or Monmouthshire, or is property issuing out of property so situate, for all property vested in them which is situate in, or issues out of property situate in, Wales or Monmouthshire, and which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of any ecclesiastical office or cathedral corporation other than an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, and shall deduct from the property comprised in paragraph

(1) of Part I. of this Schedule such sum of money as the Commissioners may ascertain and by order declare to be due by way of equality of exchange.

Provided that if the money and securities comprised in paragraph (1) of Part I. of this Schedule are less than the sum to be deducted, the Ecclesiastical Commissioners shall be entitled to a charge on the property transferred for the balance with interest at the rate of four per cent. per annum.

(2) There shall be charged on the property mentioned in paragraph (1) of Part I. of this Schedule, subject to such adjustment as aforesaid so far as it is able to bear them, and so long as they continue payable, the sums before the date of disestablishment payable by the Ecclesiastical Commissioners out of their common fund for ecclesiastical purposes in the Church in Wales other than the augmentation or endowment of parochial benefices or towards the stipends of assistant clergy, and the common fund of the Ecclesiastical Commissioners shall be exonerated from the liability to make such payments except so far as such property as aforesaid is not able to bear them.

¹

Notes

¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Sch. 1(II) para. 1: September 18, 1914


Extent

Sch. 1(II) para. 1(1)-(2): England, Wales, Scotland

SECOND SCHEDULE

PROPERTY VESTED IN QUEEN ANNE'S BOUNTY WHICH IS TO BE DEEMED WELSH ECCLESIASTICAL PROPERTY

Section 5(2)

 Law In Force

Property which belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, except, in the case of any such property which consists of, or is the produce of, or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund such part thereof as has been derived from sources other than Welsh sources.

Two-thirds of each grant made by Queen Anne's Bounty out of the Royal Bounty Fund, shall, for the purposes of this Schedule, be deemed to have been derived from sources other than Welsh sources.

¹

Notes

¹ Ecclesiastical Commissioners and Queen Anne's Bounty dissolved and property and functions transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

Commencement

Sch. 2 para. 1: September 18, 1914

Extent

Sch. 2 para. 1: England, Wales, Scotland

THIRD SCHEDULE

Section 6

PART I

**PROPERTY WHICH MAY BE TRANSFERRED BY THE ECCLESIASTICAL
COMMISSIONERS TO THE REPRESENTATIVE BODY**

 Repealed


[...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

PART II

**PROPERTY WHICH MAY BE TRANSFERRED BY QUEEN ANNE'S BOUNTY TO THE
REPRESENTATIVE BODY**

 Repealed

[...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

PART III

PROPERTY A PERPETUAL ANNUITY OF THE ANNUAL VALUE OF WHICH MAY BE CHARGED ON THE COMMON FUND OF THE ECCLESIASTICAL COMMISSIONERS

 Repealed


[...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

PART IV

LIMIT OF AMOUNT WHICH MAY BE GRANTED IN ANY YEAR BY THE ECCLESIASTICAL COMMISSIONERS TO THE REPRESENTATIVE BODY

 Repealed

[...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

FOURTH SCHEDULE

METHOD OF CALCULATING EXISTING INTERESTS FOR PURPOSES OF COMMUTATION

Section 18(b)

 Repealed

[...]¹


Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

FIFTH SCHEDULE

**METHOD OF CALCULATING ANNUITY TO WHICH HOLDER OF AN
ECCLESIASTICAL OFFICE IS ENTITLED IN LIEU OF EXISTING INTEREST WHICH
HAS BEEN COMMUTED**

Section 18(e)

 Repealed

[...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(6)(4) para.1 (July 22, 2004)

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD2

IN THE YEAR of the property vested in the
County Council of South Glamorgan under
section 211 of the Local Government Act 1972.

C140007

SCHEME

WHEREAS certain property which is required to be applied in accordance with a scheme under section 19 of the Act of 1914 is now vested in the County Council of South Glamorgan (hereinafter called "the Council") under section 211 of the Act of 1972;

AND WHEREAS by virtue of the said section 211 any such property is to be applied by the Council in accordance with the scheme under the said section 19 which was applicable to it immediately before 1st April 1974 until that scheme is amended or revoked;

THIS SCHEME now made by the Council shall have effect from and after the date of the approval thereof by the Secretary of State

Interpretation

1. - (1) The Interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(2) In this Scheme -

"the Act of 1914" means the Welsh Church Act 1914;

"the Act of 1972" means the Local Government Act 1972;

"the Council" means the County Council of South Glamorgan;

"District Valuer" means the District Valuer of the Inland Revenue Valuation Department for the area in which the land concerned is situated;

"land" includes land covered by water and any interest or right in, to or over land;

"Wales" has the meaning assigned to it by section 269 of the Act of 1972.

W.C.C.
SOUTH GLAMORGAN
COUNTY COUNCIL

(3) In this Scheme, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

Application, administration and title

2. This Scheme shall have effect with regard to the application of the property which is now vested in the Council by, or by virtue of a transfer under, section 211 of the Act of 1972 and of any other property which is hereafter transferred to the Council under that section and of any donations or endowments which may hereafter be received by the Council for the general purposes of this Scheme.

3. The property referred to in paragraph 2 above shall be administered and managed by the Council subject to and in conformity with the provisions of this Scheme under the title of "The County Council of South Glamorgan Welsh Church Fund" (hereinafter referred to as "the Fund").

Transaction of business

4. Sections 94 to 98 (restrictions on voting) and section 99 (meetings and proceedings) of the Act of 1972 shall apply to the transaction of business by the Council in the administration of the Fund as they apply to the transaction of the ordinary business of the Council.

Financial administration and accounts

5. The Council shall make proper arrangements for the financial administration of the Fund and shall secure that one of their officers is responsible for such administration.

6. The officer responsible shall keep separate accounts relating to the financial administration of the Fund and those accounts shall be treated as accounts of the Council for the purposes of sections 154 to 168 of the Act of 1972.

Custody and supervision of documents

7. The Council shall make proper arrangements with respect to any documents relating to the Fund which are in the custody of the Council or any of their officers.

B. Section 228 of the Act of 1972 (inspection of documents) shall apply to the inspection of the minutes of proceedings and the accounts of the Council relating to the Fund.

Arrangements for discharge of functions

9.--(1) The Council may arrange for the discharge of any of their functions under this Scheme by a committee of the Council and, where any such arrangement is made, then, unless the Council otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee.

(2) Any arrangements made by the Council or a committee for the discharge of functions by a committee or a sub-committee shall not prevent the Council from discharging those functions.

(3) Sections 104 to 106 of the Act of 1972 shall apply to a committee or sub-committee appointed under this paragraph as they apply to any other committee or sub-committee of the Council.

Additional endowments

10. The Council may receive any additional endowments or donations for the general purposes of this Scheme and they may also receive donations or endowments for any special objects connected with this Scheme not inconsistent with or calculated to impede the due working of its provisions.

Acquisition of land

11.--(1) The Council may out of the Fund acquire by agreement any land which is required for the purposes of this Scheme.

(2) Where any land is held by the Council for the purposes of this Scheme, the Council may out of the Fund, acquire by agreement any adjoining land which is necessary or expedient for the purpose of securing the effective use of the land held by the Council and any land which is acquired under this sub-paragraph shall be held for the purposes of this Scheme.

(3) The power to acquire land under this paragraph shall include the power to acquire land in exchange for land held by the Council if, in the opinion of the Council, any such exchange would be beneficial for the purposes

of this Scheme,

Occupation, appropriation and disposal of land

12.- (1) The Council may, in accordance with the following provisions of this paragraph, occupy, appropriate or dispose of any land held by them for the purposes of this Scheme which is not required to be used for those purposes,

(2) The Council may occupy any such land as is mentioned in sub-paragraph (1) above for any purpose for which they are authorised under any enactment to acquire land by agreement on such conditions, and subject to the payment to the Fund of such sums in the nature of rent, as may be determined by the District Valuer.

(3) The Council may appropriate any such land as is mentioned in sub-paragraph (1) above for any purpose for which the Council are authorised by any enactment to acquire land by agreement and on any such appropriation -

(a) the Council shall transfer to the Fund such sums as the District Valuer shall certify to be the value of the land; and

(b) a memorandum of the appropriation stating the amount of the consideration shall be endorsed on the principal document of title relating to the land appropriated.

(4) The Council may dispose of any such land as is mentioned in sub-paragraph (1) above whether by way of sale, lease or exchange for the best consideration that can reasonably be obtained.

(5) On the grant of any lease under sub-paragraph (1) above, the Council shall secure the execution of a counterpart by the lessee; and every lease shall contain a covenant on the part of the lessee for the payment of rent, and all other usual and appropriate covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

(6) Nothing in the foregoing provisions of this paragraph or in paragraph 12(3) above shall authorise the appropriation or disposal of any land held by the Council for the purposes of this Scheme in breach of any covenant or

agreement which is binding upon them.

Management of land

13.- (1) Subject to the provisions of the previous paragraph, the Council shall manage all the lands held by them for the purposes of the Scheme and not occupied for the purposes thereof according to the general law applicable to the management of charitable property by trustees.

(2) The Council shall keep in repair and insure for full value against fire and other usual risks all the buildings held by the Council for the purposes of this Scheme which are not required to be kept in repair and insured by the lessees or tenants thereof.

Investments

14.- (1) The Council may use for any purpose for which they have a statutory power to borrow (as that power is defined in paragraph 19 of Schedule 13 to the Act of 1972) any money forming part of but not for the time being required for the purposes of the Fund and the provisions of that paragraph shall apply to the use of any such money as it applies to the use of any money forming part of a fund to which that paragraph applies.

(2) Subject to sub-paragraph (1) above, any such money as is referred to in that sub-paragraph shall be invested in any investments from time to time sanctioned by law for the investment of trust funds or in any authorised security created by a local authority other than any annuity, rent charge or security transferable by delivery.

(3) The Council shall secure that any such investment is designated as having been made by the Council or a duly authorised officer of the Council, as the case may be, for the purposes of and in the name of the Fund.

Arrangements with other councils

15. The Council may make arrangements with the council of any other county in Wales and may act in concert with any other such council for any purposes or for assisting any object consistent with the provisions of this Scheme that they think desirable.

Appointment of staff

16.- (1) The Council may appoint such officers as they think necessary for the proper administration of this Scheme on such reasonable terms and conditions, including conditions as to remuneration and expenses payable to the officers out of the Fund, as the Council think fit.

(2) In pursuance of sub-paragraph (1) above, the Council may arrange for any of their officers to be appointed as part-time officers for the purposes of the administration of this Scheme and any such arrangement may provide that the remuneration and expenses payable in respect of such officers under sub-paragraph (1) above shall be paid to the county fund.

(3) Section 117 of the Act of 1972 shall apply to officers appointed under this paragraph.

Superannuation

17. The provisions of regulations under section 7 of the Superannuation Act 1972 (which provide for the superannuation of persons employed in local government services etc) shall apply to persons employed by the Council for or in connection with the administration of this Scheme as they apply to other employees of the Council and, accordingly, the Council may pay out of the Fund to the appropriate superannuation fund in respect of persons so employed such sums as may from time to time become payable under the said regulations.

Application of the Fund

18. Subject to the provisions of this Scheme, the Council shall first defray out of the income of the Fund all the proper costs, charges and expenses of and incidental to the administration and management of the Fund; and after payment of the said costs, charges and expenses, the Council shall apply the Fund to such charitable purposes of the nature described in the First Schedule hereto as the Council may from time to time think fit.

19.- (1) In applying as aforesaid any property comprised in the Fund, the Council shall give consideration to the wants and circumstances of any relevant area as defined below; provided that -

- (a) where, in the opinion of the Council, it is not reasonably practicable to identify a relevant area with respect to any such property, this sub-paragraph shall not apply to that property; and
- (b) where a relevant area is identified with respect to any such property, the Council may nevertheless, after due consideration as aforesaid and having regard to all the circumstances of the case, apply that property to any of the purposes authorised by this Scheme, whether or not the area to be benefited includes the relevant area or any part thereof.

(2) In this paragraph "a relevant area" in relation to any property comprised in the Fund means the area of any parish described with respect to the property in sub-section (2) of section 10 of the Act of 1914.

Subsidiary Powers of the Council

20. Without prejudice to any powers exercisable under the provisions of this Scheme other than this paragraph but subject to those provisions, the Council shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, or is in connection with, the discharge of any of their functions under this Scheme.

21. Any provision in the First Schedule hereto which empowers the Council to apply the Fund for any purpose shall, as the case may require, be construed as including power for the Council to apply the Fund in assisting any body to carry out the same purpose.

Revocation and Savings

22. The existing schemes specified in column (1) of the Second Schedule hereto are hereby revoked to the extent specified in column (2).

23. Any decision made or undertaking given or other thing done by the Council or any other council in accordance with any such existing scheme with respect to the application of any property comprised in the Fund shall have effect

as if made, given or done by the Council in accordance with this Section.

THE FUNDS CONTAINED UNDER THIS SECTION TO

The charitable purposes to which the Funds may be applied

Educational

1. Providing benefits which are not readily available from other sources for persons of any age in one or more of the following ways -
 - (i) The award of scholarships, bursaries, loans or maintenance allowances tenable at any school, university or other place of learning, approved by the Council, which may if the Council think fit include allowances to dependants,
 - (ii) The provision of financial assistance, outfits, clothing, tools, instruments or books or loans to enable pupils or students on leaving school, university or any other educational establishment to prepare for, or to assist their entry into a profession, trade or calling.
 - (iii) The award of scholarships or maintenance allowances or loans to enable beneficiaries to travel abroad to pursue their education,
 - (iv) The provision, or assistance towards the provision of facilities of any kind not normally provided by the Local Education Authority for recreation, social and physical training at a school, university or other educational establishment,
 - (v) The provision of financial assistance to enable pupils and students to study music or other arts.

Relief in Sickness

2. The relief in cases of need of persons who are sick, convalescent, disabled, handicapped or infirm by the provision or payment for items, services or facilities which are calculated to alleviate the suffering or assist the recovery of such persons, but which are not readily available to them from other sources.

Relief of Distress

3. The relief, whether generally or individually of persons who are in conditions of need, hardship or distress by the giving of grants of money or providing or arranging for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

Libraries, Museums, Galleries etc.

4. Advancing the knowledge and appreciation of the arts and literature of Wales and, in particular, in furtherance of these purposes but without prejudice to the generality thereof -

- (a) the establishment, maintenance, or furnishing or aiding of charitable institutions, libraries, museums or galleries or art, scientific or industrial exhibitions (including exhibitions relating to industrial archaeology), whether national or local, for the principal use and benefit of the Welsh people;
- (b) aiding charitable societies for study and research in subjects connected with Welsh history, topography, literature and life;
- (c) the provision of lectures, exhibitions and equipment;
- (d) the acquisition, preservation and publication of records and documents;
- (e) the provision of suitable premises (or erection, purchase, lease or letting for occasional use) for any of the purposes authorised by this paragraph.

Social and Recreational

5. Providing or assisting in the provision of facilities for recreation or other leisure time occupation being facilities which are available to the members of the public at large and which are provided in the interests of social welfare with a view to improving the conditions of life of the persons for whom they are intended and, in particular, in furtherance of these purposes but without prejudice to the generality thereof, providing, or assisting in the provision of playing fields, parks, open spaces and centres or halls for meetings, lectures or classes.

Protection of Historic Buildings, etc.

6. Advancing the education and public benefit of the Welsh people by promoting their interest in aesthetic, architectural, historical or scientific matters relating to Wales and in particular in furtherance of those matters -

- (a) The acquisition and preservation of
 - (i) land of special interest in relation to science and natural history;
 - (ii) land, buildings or objects of beauty or of historic or architectural interest.
- (b) The acquisition, preservation and publication of records and documents of historic interest.

Medical and Social Research, Treatment, etc.

7. The preservation and protection of the physical and mental health of society and, in particular, in furtherance of those purposes but without prejudice to the generality thereof -

- (a) advancing education in the theory and practice of medicine;
- (b) promoting medical and social research and schemes for the prevention and treatment of disease and publishing the results of such research;
- (c) providing nursery and convalescent homes and hostels.

Probation, etc.

8. Making grants in cases of need for the assistance of -

- (a) persons placed on probation or children and young persons from community homes, approved schools or any other institution of a substantially similar nature established under statutory authority;
- (b) the families of any such persons, children or young persons; or
- (c) discharged prisoners.

Blind Persons

9. Providing for the welfare of blind persons including the provision of charitable homes and holiday homes.

Aged Persons

10. Providing dayshouses, hostels and other charitable accommodation for aged persons in need and providing homes and hostels and other charitable accommodation for aged persons who by reason of the infirmities and disabilities of old age have need of such reception, care and attention.

Places of Worship and Burial Grounds

11. Contributing towards the restoration and maintenance of any place of public worship or any public burial ground.

Emergencies or Disasters

12. Contributing to charitable appeals for the alleviation of the effects of emergencies or disasters involving destruction of or danger to life and property and directly assisting persons in need as a result of such emergencies and disasters.

Other Charitable Purposes

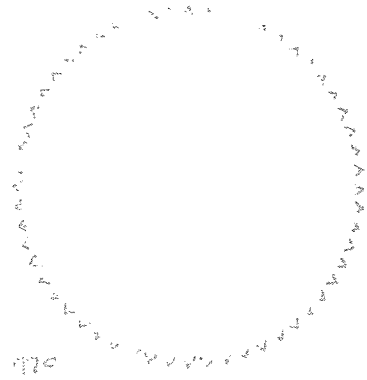
13. Contributing to charitable organisations, the purposes of which are not inconsistent with the provisions of this Scheme or the Welsh Church Acts 1914 to 1945.

THE SECOND SCHEDULE ABOVE REFERRED TO

The revocation of existing schemes

| (1) | (2) |
|--|------------------|
| The scheme made by the Council of the City of Cardiff on the 27th day of October 1947 and approved by the Secretary of State on the 10th day of February 1948. | The whole scheme |

THE COMMON SEAL of THE COUNTY
COUNCIL OF SOUTH GLAMORGAN was
herewith affixed this 25th day
of November 1975



ell Boyce

County Solicitor

I hereby approve and confirm the foregoing scheme made by the
County Council of South Glamorgan under section 19 of the Welsh
Church Act 1914.

[Signature]

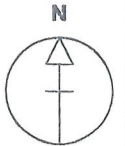
Secretary of State for Wales

Welsh Office

9 February 1976



TITLE NUMBER
CYM322218



THE VALE OF GLAMORGAN / BRO MORGANNWG

ORDNANCE SURVEY MAP REFERENCE:

ST1568SW

SCALE 1:2500

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.
This official copy shows the state of the title plan on 21 November 2006 at 14:46:11. It may be subject to distortions in scale.
Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
Issued on 21 November 2006.
This title is dealt with by the District Land Registry for Wales.



IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD4

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

FULL PLANNING PERMISSION

Agent:
CW Architects Ltd.,
Grosvenor House,
8, Park Grove,
Cardiff.
cf10 3bn

Applicant:
Sully Centurions Cricket Club,
c/o Centurion House,
3, Smithies Avenue,
Sully,
Vale of Glamorgan.
CF63 5SS

Change of use from grazing land to cricket ground and associated car parking facilities at Glebefields, Sully

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 17 February 2011 subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the submitted details, prior to the commencement of development, details of the finished levels of the proposed development in relation to existing ground levels including cross sections, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. Full details of a cycle parking facility / area shall be submitted to and approved in writing by the Local Planning Authority and the approved cycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Full details of surface water drainage at the development hereby approved, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details submitted.

Reason:

To ensure a suitable method of surface water drainage, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, the cricket pitch shall not be brought into beneficial use until the access has been constructed in accordance with the plans, including full engineering details, which shall have been submitted to and approved in writing by the Local Planning Authority and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details hereby approved, details of a the car park to serve the development, to include parking for the disabled, surfacing details, plus any gates proposed to the access, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of the cricket pitch and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN 10 of the Unitary Development Plan.

7. A scheme providing for the fencing of the trees to be retained (in accordance with British Standard 5837 2005, as set out with the submitted tree survey plan 2011./03 Rev A), including details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or

waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development or any site works or clearance. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. Details of any external lighting, to the access and car park including times of operation, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site and only external lighting approved by the Local Planning Authority shall be installed and operated on site.

Reason:

In the interests of the environment, to reduce light pollution, and to meet the requirements of Policies ENV27 and ENV29.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

Reason for Granting Planning Permission

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV18 – Archaeological Field Evaluation; ENV27 - Design of New Developments; ENV28 – Access for Disabled People; ENV29 – Protection of Environmental Quality; REC5 - Sports and Leisure Facilities; ENV1 - Development in the Countryside; ENV6 - East Vale Coast; ENV11 - Protection of Landscape Features; and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

NOTE:

- 1. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 4. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

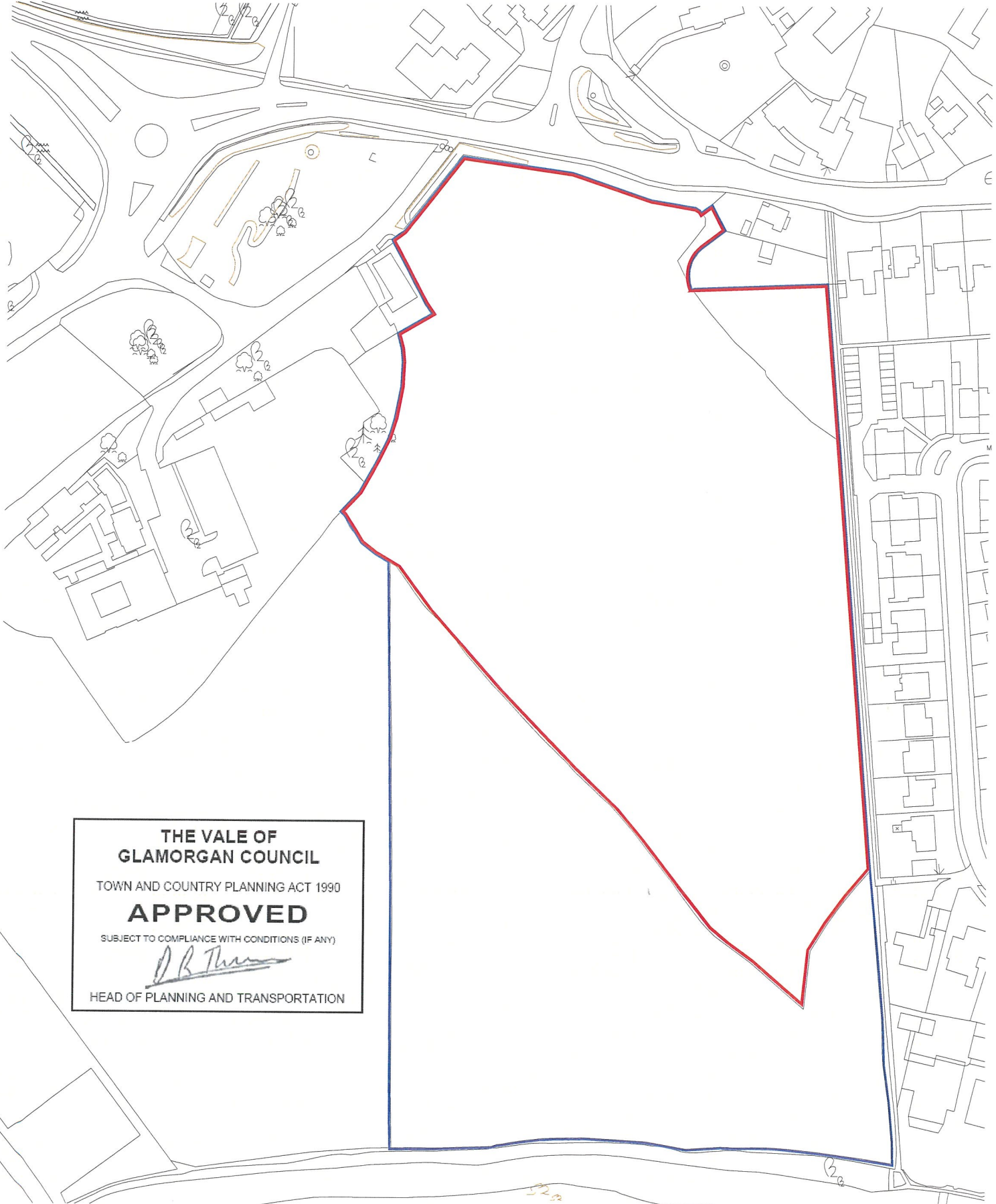
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dated: 15 April 2011



Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**



**THE VALE OF
GLAMORGAN COUNCIL**
TOWN AND COUNTRY PLANNING ACT 1990
APPROVED
SUBJECT TO COMPLIANCE WITH CONDITIONS (IF ANY)
D. B. Thomas
HEAD OF PLANNING AND TRANSPORTATION



C. W. ARCHITECTS Ltd
Grosvenor House, 8 Park Grove, Cardiff CF10 3BN
Tel: +44 (0)2920 223 223 Fax: +44 (0)2920 362967 E-Mail: office@cwarchitects.co.uk

Project Name : Sully C C C
Project Ref : G1257

Drawing Title : Location Plan
Drawing Number : G1257 - P00
Scale : 1:1250 @ A3

Revision: - Drawn by: oa Date: Nov 2010

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD5

Docherty, James

From: Morgan, Evelyn <EMorgan@valeofglamorgan.gov.uk>
Sent: 22 July 2016 09:55
To: Morrison, Samantha
Subject: FW: Glebe Field fyi

Evelyn Morgan
Senior Lawyer / Uwch Gyfreithiwr
Legal Services / Gwasanaethau Cyfreithiol
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709387
mob / sym: 07712303186
e-mail / e-bost: EMorgan@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Morgan, Evelyn
Sent: 22 July 2016 09:54
To: 'Sully Centurions'
Cc: Dave Sylvester
Subject: RE: Glebe Field

Dear Sirs

I write to acknowledge receipt of below. I am taking instructions on below and will revert to you substantively regarding the contents of your e-mail shortly.

Regards

Evelyn Morgan
Senior Lawyer / Uwch Gyfreithiwr
Legal Services / Gwasanaethau Cyfreithiol
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709387
mob / sym: 07712303186
e-mail / e-bost: EMorgan@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Sully Centurions [<mailto:centurioncricket@hotmail.co.uk>]
Sent: 13 July 2016 11:05
To: Morgan, Evelyn
Cc: Dave Sylvester
Subject: Glebe Field

Dear Ms Morgan,

Following your letters on 2nd June and 4th July 2016, please note the following:

We have no intentions of using the field for anything other than the purpose of the lease. Whereas we agree that the field had become overgrown, we have arranged for a contractor to cut the field and this has now been done. We believe, therefore, that we are addressing this situation within a reasonable time.

The club has spent £125,000 on the development of the field, including the levelling of the ground and the laying of the cricket square. This work was carried out by South Wales Sports Grounds. £50,000 of this was in the form of a loan from the England and Wales Cricket Board, which is being repaid. We also, as you are aware, pay the Vale Council £2,500 per year in advance and we are up-to-date with these payments.

We will continue to develop the ground as quickly as we can, as we are extremely keen to have this facility not only for ourselves, but also for the village of Sully. We are backed in this respect by Sully Community Council and the 'Save Sully' group, who have both already assisted us financially in securing the entrance to the site, as you may be aware. We have purchased equipment to continue with this development and the club has a fully qualified groundsman as a member.

We will be making every effort to play at the ground before the end of the season - a charity match - as a precursor to playing regularly next season. To allow us to develop further we have recently re-instated the coaching of juniors from within the village and have had a good response from the local parents.

By way of explanation - the reason we have been delayed in the ground development since the initial work was that we had been expecting an injection of funds from a major benefactor, but this did not materialise, leaving us without any funding. We ask that you accept that we are genuinely attempting to continue with the development of the field, but this has had to be tailored to a much revised timetable.

On a personal note, I did receive the second letter dated 4th July 2016 but I had not received the original letter dated 2nd June. However, I have discovered this morning that the earlier letter was delivered to the pavilion at Burnham Avenue, which is puzzling, as the council has my home address. In addition I have spent the past 3 weeks in Llandough Hospital and have just been discharged, so I have not had any opportunity to respond to you until now.

We would be more than happy to meet with you if you wish to discuss anything regarding this matter.

Yours sincerely,

Mick Fisher - Secretary, Sully Centurions CC

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD6

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

FIRST WITNESS STATEMENT OF MR. DAVID SYLVESTER

I DAVID SYLVESTER of 3 Smithies Avenue Sully Vale of Glamorgan CF64 5SS will state as follows:-

1. The information given in this statement is made on behalf of Sully Centurions Cricket Club of which I am currently Chairman.
2. BACK GROUND

Sully Centurions Cricket Club is an amateur sports club which has been existence since 1955. The Club currently play at the public playing fields and cricket ground at Burnham Avenue in Sully. The Club have been relatively successful for a number of years although unfortunately in the last three years have suffered a loss of a number of leading players which has resulted in the Club going down several divisions, currently playing in Division 2 of the South East Wales Cricket League.

During the Clubs successful period of approximately 10 years ago or more we as a Club were looking for a new cricketing venue over which we would have exclusive use to enable us to continue our development with a third and fourth team and also to enhance our ability to develop junior cricket in Sully and the Vale of Glamorgan.

After much searching and negotiations with the Trustees of the Welsh Churches Act we eventually came to an agreement whereby we as a Club would take a Lease over an area of land in Sully known as the Glebe Field.

3. A Lease was then negotiated which was entered into in April 2009 whereby we were granted a 25 year Lease over the field at a rent of £2,500.00 per annum. Payments in respect of rent are up to date.
4. When we took over the Glebe Field it effectively was overgrown uneven pasture land which was completely unsuitable for sport at that stage.
5. In the lead up to the granting of the Lease the Club negotiated grant funding and a loan with the ECB totalling £125,000.00 and I attached marked "DS1" costs in relation to

South Wales Sports Ground which have, to date, been invested within the field. I also attach "DS2" a bundle of photographs showing the work that has been done at the field by way of substantial infrastructure works.

6. It was the Club's hope that fixtures would start at the Glebe Field within two or three years of the completion of the ground improvement works. Unfortunately due to a lack of promised funding the finished product has not been finalised.
7. Once the area had been improved significantly as evidenced by the photographs attached, the Vale of Glamorgan Council were engaged to cut the cricketing Out Field on a regular basis so as to maintain improvement works that have been carried out. I attached marked "DS3" and invoice from the Vale of Glamorgan Council in that regard dated the 26th September 2014.
8. Unfortunately after cutting it for some time the Local Authority simply stopped doing so without any warning notice or reason. I spoke with Adam Sargent, who is mentioned in the Vale of Glamorgan's witness evidence, who simply told me that he had been instructed not to cut it any more and gave no reason.
9. At that point in time I stood down as Chairman with a new Committee being appointed. That new Committee intended to take the Glebe Field Project forward but unfortunately did not do so. I was subsequently reappointed as Chairman of the Cricket Club in early 2014 albeit then the grass was being cut and the area maintained in a reasonable manner, by the Vale of Glamorgan Council.

10. Since the Vale of Glamorgan Council stopped cutting the grass it has deteriorated.

Unfortunately because of the loss of players the Committee felt it was more important to undertake tasks in relation to player recruitment and the survival of the Cricket Club as opposed to driving the Glebe Field Project forward. The Club has now improved and numbers are increasing.

11. FIELD DEVELOPMENT

In an effort to try and move the project forward we entered discussions with a Mr. Mike Fowler who has successfully run a number of football academies and is also the assistant manager of Tamworth Town Football Club. The proposal was that he would use part of the field (nearest the sea) as a Football Academy and in return would maintain the whole field. We were aware that we would have to get the Vale of Glamorgan Council's consent for this as the field was supposed to be used for Cricket use only. Mr. Mick Fisher, Club's Secretary, contacted the Vale of Glamorgan Council, Legal Department (Mike Walsh) asking for consent but no progress was made. I attach emails between Mick Fisher and the Vale of Glamorgan Council marked "DS4" in that regard from which it can be seen that Mr. Walsh of the Vale of Glamorgan Council emailed on the 2nd June 2015 saying that he was taking instructions but no further progress was forthcoming. I also enclose an email dated the 30th June from Mike Fowler Marked "DS5" outlining a conversation that he had with the Parks Department where they confirmed that they would not accept work in relation to the Glebe Field and would not go into the reasons why.

12. The Vale of Glamorgan's unhelpful attitude obviously gave the Cricket Club a headache as to how best to proceed and the Club to date have been unable to complete the project.

13. Since receiving the Notice from the Local Authority the field has now been cut and the Bales that have been left are awaiting clearance.
14. I enclose a letter from Peter Villars Sports Ground Maintenance dated the 30th August 2013 Marked "DS6" which is written by Mr. Iestyn John. At that stage the cost of the works to get the area playable for Cricket purposes was approximately £5,000.00. I enclose further emails from Mr. John to Andrew Humphreys of Robertsons, Solicitors Marked "DS7" which confirm again the cost involved in getting the area to playable condition would be between £5,000.00 and £10,000.00, following further investigations.
15. I confirm that I personally will fund this project with work to start in the Spring of 2017 (growing season) which will hopefully result in the area being playable by the end of the Summer of 2017.
16. This is not an ideal scenario but under the terms of the original Lease it was never anticipated that the use of Cricket upon the pitch would be immediate. It has taken longer than it should have but I do not believe that time was ever intended to be of the essence albeit I accept that in an ideal world Cricket would have been played there sooner than it will be.
17. I do not believe that the Local Authority have helped particularly in this process and I would urge the Court to reject the Claim for Possession on the basis of the Club's plans to finalise the development to enable community cricket to be played upon the field which was always the intentions. The local area does not have sufficient leisure

facilities as it is and to remove this one would be detrimental to the development of cricket within the Vale of Glamorgan.

I BELIEVE that the facts stated in this witness statement are true

SIGNED.....

DATED.....

15/8/16

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS1

Glebe Field Costs to Date

South Wales Sports Grounds

| | |
|--------------------------------------|------------|
| South Wales Sports Grounds Invoice 1 | £30,970.10 |
| Plus VAT | £6,194.02 |
| South Wales Sports Grounds Invoice 2 | £9,500.00 |
| Plus VAT | £1,900.00 |
| South Wales Sports Grounds Invoice 3 | £46,362.97 |
| Plus VAT | £9,272.59 |

Total paid to SWSG

£104,199.68

Other Costs

| | |
|-----------------------------------|-----------|
| Geoturf Invoice | £1,000.00 |
| Plus VAT | £200.00 |
| Butlins Consulting Invoice 1 | £575.00 |
| Butlins Consulting Invoice 2 | £2,937.50 |
| Butlins Consulting Invoice 1 | £2,400.00 |
| M Hardy to cut and Remove Grass 1 | £450.00 |
| M Hardy to cut and Remove Grass 2 | £600.00 |
| Roller | £1,600.00 |
| Mower | £2,000.00 |
| Sprayer | £810.00 |
| Payment for Cutting Square | £600.00 |

£12,652.50

Total Paid

£116,852.18

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

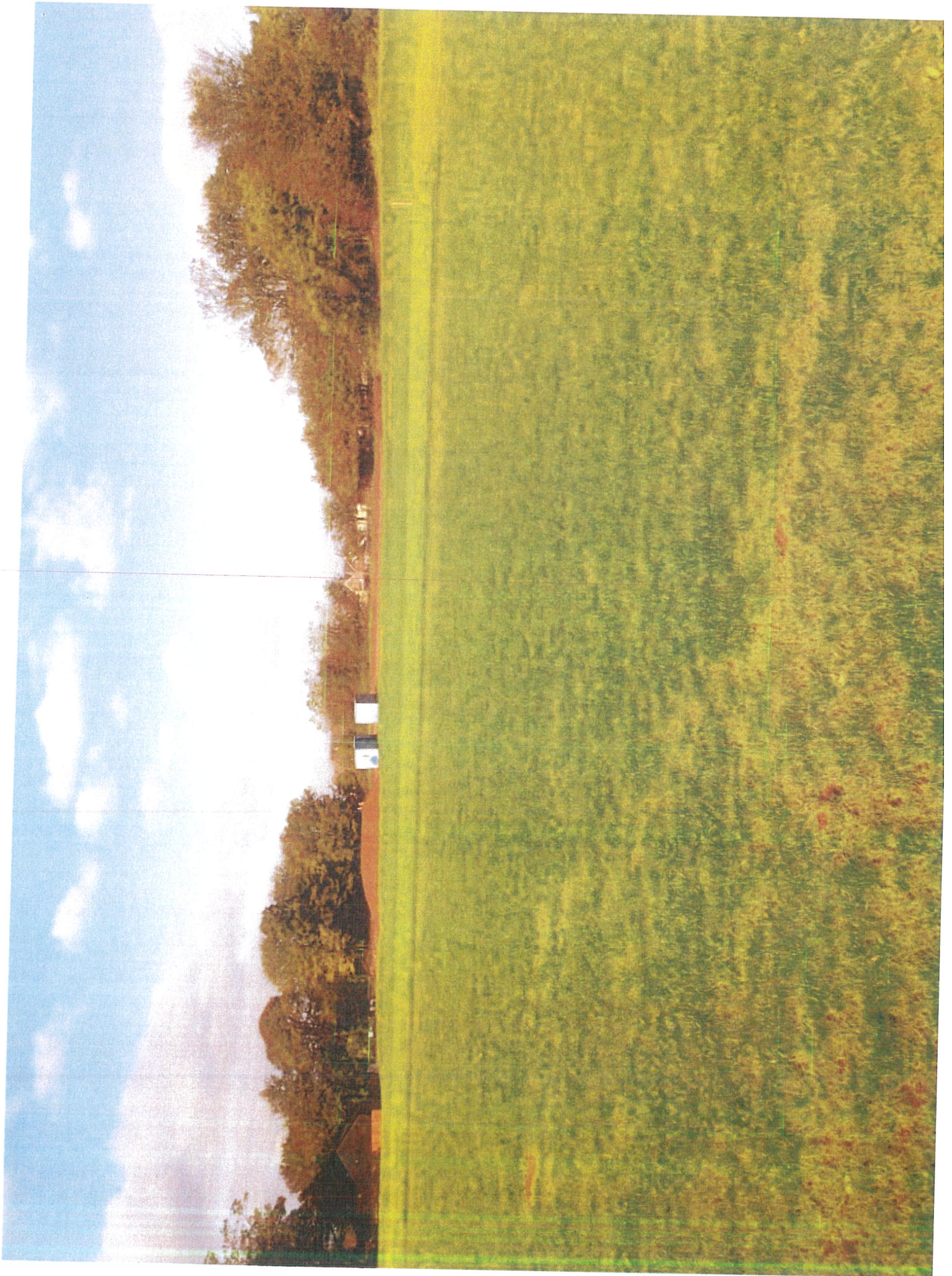
EXHIBIT DS2















Statements
Exhibits ds4
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS3

Invoice / Anfoneb



98261616981610069675007

VAT Reg. No. GB 666 4734 C

Michael Fisher

26 Kendrick Road
 BARRY
 Vale Of Glamorgan
 CF62 8DJ

Invoice No. / Rhif Anfoneb: 10069675

Invoice Date / Dyddiad Anfoneb: 26-SEP-14

Customer No. / Rhif Cwsmer: 25076

| Invoice Details Manylion Anfoneb | VAT Rate % Graddfa TAW % | Amount £ Swm £ |
|--|-----------------------------|-------------------|
| Parks And Grounds Charges August 14 - Cutting Cricket outfield 18 x times per cut at £31.67 | 20 | 475.05 |
| FOR ALL ENQUIRIES PLEASE CONTACT GEMMA WARNER ON 02920 673089 | | |

All information held on the Sundry Debtors System relating to the raising, administration and payment of invoices can be used for the purposes of ascertaining your credit worthiness.

Gellir defnyddio'r holl wybodaeth ar y System Dyledwyr Cyffredinol sy'n ymwneud â chodi, gweinyddu a thalu anfonebau i benderfynu i ba raddau yr ycych yn deilwng o gredyd.

We reserve the right to charge late payment interest on this invoice.

Cadwn yr hawl i godi llog petai'r anfoneb hon yn caeil ei thalu'n hwyr.

| | |
|---------------------------------------|---------------|
| Total Ex. VAT Cyfanswm heb TAW | 475.05 |
| Total VAT Cyfanswm TAW | 95.01 |
| Total Due Cyfanswm Dyledus | 570.06 |

Quick Easy Payment
 Debit Card
 24 Hour
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PLEASE NOTE THAT PAYMENT OF THIS INVOICE IS DUE IMMEDIATELY UPON RECEIPT
 SYLWCH FOD DISGWYL I CHI DALU CYN GYNTED AG Y BYDDWCH WEDI DERBYN YR ANFONEB HON

Details of how to make your payment are shown overleaf.
 Gweler y manylion drosodd am sut i dalu.

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS4

Andrew Humphreys

From: Sully Centurions <centurioncricket@hotmail.co.uk>
Sent: 14 August 2016 15:36
To: a.humphreys@robsols.co.uk
Subject: Fw: C14-0003 - Land at the Glebe Field, Sully

From: Sully Centurions <centurioncricket@hotmail.co.uk>
Sent: 14 August 2016 14:18
To: ahumphreys@robsol.co.uk
Subject: Fw: C14-0003 - Land at the Glebe Field, Sully

From: Sully Centurions <centurioncricket@hotmail.co.uk>
Sent: 09 June 2015 08:38
To: Mike Fowler
Cc: David Sylvester
Subject: RE: C14-0003 - Land at the Glebe Field, Sully

Hi Mike,

The last message we had from the council is that they are looking at the proposal and will be taking legal advice on how to proceed. No idea how long that would take.

As soon as we get any more information I'll be straight in touch.

Mick Fisher
Secretary, Sully Centurions CC

Twitter: @SullyCricket
Website: www.sullycenturions.com
Celebrating 60 Years: 1955-2015

Subject: Re: C14-0003 - Land at the Glebe Field, Sully
From: MikeFowlerMFSS@hotmail.com
Date: Tue, 9 Jun 2015 08:47:20 +0100
To: centurioncricket@hotmail.co.uk

Good morning,

Thank you for all the correspondence, I have just got back from my A licence. A manic week and didn't have time to squeeze in any other business. I have looked at quotes for maintenance of the grounds and I'm not happy with the quote I received. I am looking at other avenues to get more realistic quotes.

Has there been any other developments from the vale of glamorgan since. I have heard that they would be more likely to go for a joint new lease on the grounds that their concern would be the annual lease and having that covered but that is from a third party so I'm not sure how accurate that would be.

I'm available now all week and can meet at some point if needed.

Kind Regards

Mike Fowler

Sent from my iPad

On 2 Jun 2015, at 10:14, Sully Centurions <centurioncricket@hotmail.co.uk> wrote:

Hi David and Mike,

This was received today from Mike Walsh (Vale of Glamorgan legal services)

Mick Fisher
Secretary, Sully Centurions CC

Twitter: @SullyCricket
Website: www.sullycenturions.com
Celebrating 60 Years: 1955-2015

From: MWalsh@valeofglamorgan.gov.uk
To: centurioncricket@hotmail.co.uk
Subject: C14-0003 - Land at the Glebe Field, Sully
Date: Tue, 2 Jun 2015 08:33:33 +0000

SENT ON BEHALF OF MIKE WALSH

For the attention of Mick Fisher

Dear Mr Fisher

Thank you for your email of 1st June. I am taking instructions.

Regards
Mike Walsh

Rebecca Smith
Legal Assistant (Agency)
Legal Services
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709414

e-mail / e-bost: rsmith@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk

Ewch i'n gwefan yn www.bromorgannwg.gov.uk

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Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS5

Andrew Humphreys

From: Sully Centurions <centurioncricket@hotmail.co.uk>
Sent: 14 August 2016 15:41
To: a.humphreys@robsols.co.uk
Cc: Dave Sylvester
Subject: Fw: Glebe field

Dear Mr Humphreys,

Please find below an email received from Mr Fowler after he had asked if the Vale council could cut the Glebe Field.

Yours sincerely,

Mick Fisher
Secretary
Sully Centurions CC

From: Mike Fowler <mikefowlermfss@hotmail.com>
Sent: 30 June 2015 10:38
To: Sully Centurions; David Sylvester
Subject: Glebe field

Hey guys,

I have spoken with parks department and glebe field is an area that they will not accept work. They will not go into why, obviously this is a concern for me as im walking blind into this. All the other problems that you guys have had are well documented but it represents a big problem if the local authority are turning down work on the land for reasons unbeknown to me. I am very keen to move forward but feel like we are not and there are a few dead ends.

Can you shed any light on any of the above?

Regards

Mike
Sent from my BlackBerry 10 smartphone.

Statements
Exhibits ds1
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

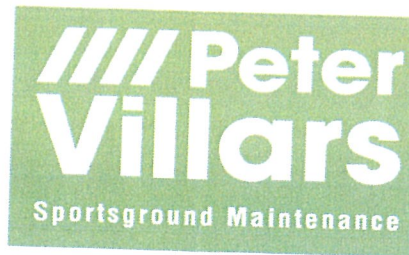
FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS6



Fine turf

Rugby & Football

Schools

30th August 2013

R.E QUOTATION FOR IMPROVEMENT WORKS TO THE CRICKET SQUARE AT GLEBE FIELDS, SULLY CC.

Dear Mike,

Further to our conversation regarding the Glebe Fields in Sully, please find below our recommendations and associated costs:-

The Square

1. Heavily scarify the whole square with tractor mounted scarifier to remove surface vegetation and any surface thatch within the square @ £600.00 + VAT
2. Supply 2 x 20kg bags of approved cricket grass seed @ £85.00 per bag (£170.00 no vat)
3. Over seed square with dimple seeder @ £150.00 + VAT
4. Supply 200 bags of approved cricket loam @ £5.10 per bag, (£1020.00 inc vat)
5. Spread cricket loam with tractor mounted spreader @ £275.00 + VAT
6. Solid tine spike whole square when conditions allow to improve root growth @ £250.00 + VAT
7. Supply and spread autumn/winter fertiliser @ £75.00 + VAT
8. Selective Weedkill square when new seed has established @ £150.00 + VAT

The Outfield

1. Scarify whole outfield with tractor mounted scarifier when grass has been cut and collected @ £600.00 + VAT
2. Weedkill outfield with selective weed killer @ £200.00 + VAT
3. Supply of 10 tons of topsoil £550.00 + VAT to fill in any dips on the outfield, spread and level topsoil at £250.00 + VAT
4. Verti-drain/aerate outfield to relieve compaction and improve root growth @ £500.00 + VAT

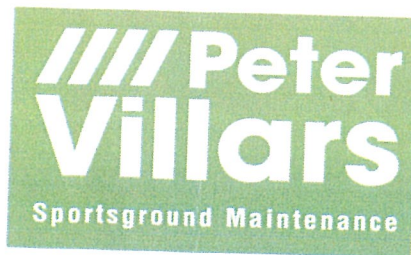
All materials to be paid for on delivery or up front, all labour to be paid for within 28 days following completion. Interest will be charged on any overdue payments.

Contact: 41 Brynhyfryd, Croesyceiliog, Cwmbran, Torfaen, NP44 2EU, 01633 483555

Steve John:07887944667 Iestyn John FdSc: 07880530487

Email: stevejohnturf@aol.com

IOG



Fine turf

Rugby & Football

Schools

We feel the works listed above in conjunction with regular maintenance of the square and outfield would enable the ground to be used as a cricket ground.

I hope this is of good use to you and if you have any problems or require anymore information please give me a call on 07880-530487.

Yours sincerely,

I P John

Iestyn John

Peter Villars Sportsground Maintenance

Contact: 41 Brynhyfryd, Croesyceiliog, Cwmbran, Torfaen, NP44 2EU, 01633 483555

Steve John:07887944667 Iestyn John FdSc: 07880530487

Email: stevejohnturf@aol.com

The IOG logo is a red rectangle with the letters "IOG" in white, bold, sans-serif font.

Statements
Exhibits ds7
Date 12.08.16

IN THE CARDIFF COUNTY COURT

Claim number co1cf170

BETWEEN:-

VALE OF GLAMORGAN COUNCIL

CLAIMANT

AND

MR. MICHAEL FISHER

FIRST DEFENDANT

AND

MR. DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DS7

Andrew Humphreys

From: Iestyn John <ijohnturf@hotmail.co.uk>
Sent: 11 August 2016 21:19
To: Andrew Humphreys
Subject: Glebe Field Sully

Dear David,

Further to our telephone conversation earlier this week regarding the Glebe Fields, please see below my estimated programme of works and costs to ensure the ground is fit for cricket use.

The square and Outfield would require intensive remedial works to enable cricket to be played at the ground next year.

Without a detailed assessment of the whole ground it is difficult to give a detailed breakdown of the works that would be required.

As a minimum the square would need a complete surface removal, heavy scarifying, aeration, topdressing with approved cricket loam. The outfield would also need some remedial works to include, scarifying, overseeding aeration and topdressing.

At an estimate I would expect the works required to be in the region of £10,000.

I hope this information is of good use to yourself.

Yours sincerely,

Iestyn John

Pitch Advisor

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

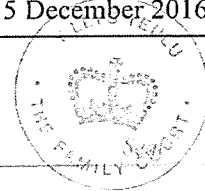
Objector

Exhibit JD7

Order for possession

Robertsons
2-4 Buttrills Road
Barry
Vale Of Glamorgan
CF62 8EF
38556 BARRY

| | |
|---|---|
| In the County Court at Cardiff | |
| Claim Number | C01CF170 |
| Claimant (including ref.) | Vale Of Glamorgan Council C14-0003 (DIR TEL:709387) |
| Defendant (including ref.) | Mr Michael Fisher and 1 other AMH.NAW.SULLY CENTURION |
| Date | 5 December 2016 |



ON THE 5 December 2016, District Judge G H F Carson

sitting at the County Court at Cardiff, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET

Upon having considered the papers from the solicitors for the Claimant and the Defendants

And upon the Defendants withdrawing their defence and agreeing to the Claimant's action

15 DEC 2016

and the court orders that

1. By Consent, the lease dated 1 April 2009 for the property known as land lying To The South Of South Road, Sully, Penarth, registered Title CYM322218, being part of the area referred to as "The Glebe Fields" is forfeited with immediate effect from the date of this Order and possession is given forthwith to the Claimant.
2. By Consent, the Claimant do pay the Defendants any rent paid in advance of the date of this order.
3. There be no order as to costs.

To the defendant

The court has **ordered you to leave** the property by the date stated in paragraph 1 above.

If you do not do so, the claimant can ask the court, without a further hearing, to authorise a bailiff or High Court Enforcement Officer to evict you. (In that case, you can apply to the court to stay the eviction; a judge will decide if there are grounds for doing so.)

Vale Of Glamorgan Council
Civic Offices
Holton Road
Barry
Vale Of Glamorgan
CF63 4RU
38553 BARRY

The court office at the County Court at Cardiff, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 02920 376400. Check if you can issue your claim online. It will save you time and money. Go to www.moneyclaim.gov.uk to find out more.

Produced by: A Haikney
CJR050

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD8

STATEMENT NO: 1

EXHIBITS: DK1-6

DATE: 10/08/2016

IN THE CARDIFF COUNTY COURT

CLAIM NO: C01CF170

BETWEEN:-

THE VALE OF GLAMORGAN COUNCIL

CLAIMANT

-and-

MR MICHAEL FISHER

FIRST DEFENDANT

-and-

MR DAVID SYLVESTER

SECOND DEFENDANT

FIRST WITNESS STATEMENT OF DAVID PAUL KNEVETT

I, David Paul Knevet, Operational Manager for Leisure, for the Claimant situated at the Civic Offices, Holton Road, Barry, CF63 4RU will state as follows:

1. The information given in this statement is made on behalf of the Claimant.
2. I have worked for the Claimant since 1994. In carrying out my current role as Operational Manager for Leisure, I oversee the Parks and Open Spaces officer (Mr Adam Sargent) whose role it is to carry out work assignments in parks and related areas including sports field maintenance and fine turf grass maintenance.
3. The Council is the owner of the land adjoining Church Hall, Hayes Land, Sully, Penarth as Trustee for the Welsh Church Fund (hereafter referred to as 'the Land') and the land is currently occupied by Sully Centurions Cricket Club under a lease for the purpose of playing cricket. A copy of the lease agreement is attached to the particulars of claim as Schedule C.
4. I visited the external perimeter of the Land on 8 April 2016 with Mr Sargent and I attach photographs taken from the external perimeter of the site during

this visit (marked as exhibit DK1). As you can see the Land was not fit to play cricket.

5. This is not the first occasion when I had noted the Land in this condition. I regularly drive past the site in my role as I visit the Council's Leisure Centres regularly. The Land is on my route from the offices to Penarth Leisure Centre. I am a cricket fan and as such the Land catches my attention because of this. I can't recall seeing the Land being used for cricket and certainly from the state of the Land when passing from my own recollection it has not been used in at least the last three years.
6. Mr Sargent is qualified in the maintenance and management of sports grounds including rugby grounds and cricket pitches, fine turf including bowling greens and cricket pitches, and horticulture. He holds a Level 3 City & Guilds in Amenity Horticulture, a Level 3 City & Guilds in Amenity Horticulture Sports Turf and a Higher National Certificate in Landscape Design & Science. Hence why he has accompanied me out to the Land.
7. It is clear that the area which was previously the cricket pitch has become very overgrown, with tall grass and weeds clearly visible from the perimeter of the site. The photographs attached at exhibit DK1 demonstrate the extent of the weeds and growth present on the Land as of 8 April 2016. There was no area within the Land on which cricket could be played given the extent of the growth covering the site. The whole of the Land is overgrown and there is no cricket pitch marked out anywhere on the site.
8. I also attach the Vale of Glamorgan Council's Specification of Service for Cricket Pitches ("P&GM/S009") as exhibit DK2 to this statement. This document details the work required in order to maintain a cricket pitch to the necessary standard. It is clear from the photographs in exhibit DK1 that the Land has not been maintained in accordance with such specifications.
9. I attach at exhibit DK3 a document entitled "Recommended Guidelines for the Construction, Preparation and Maintenance of Cricket Pitches and Outfields at all Levels of the Game". The Council would follow this document in constructing, preparing and maintaining cricket pitches such as that on the Land in question.
10. From the photographs at exhibit DK1, one can see the poor condition of the Land. On inspection which may not be so evident from the photographs one can see that there are woody weeds on the Land. Mr Sargent has identified a number of the weeds from visiting the site. I understand some of the weeds can be identified as Buddleja Davidii which is a woody shrub, Ash (Fraxinus Excelsior) which is on the Land in the form of self-set tree saplings, and Dock (Rumex Obtusifolius) which are perennial broad-leaved weeds. Mr Sargent has indicated that these are notoriously difficult to remove and generally require treatment.

11. In order to bring the Land up to a standard on which a cricket pitch could be marked out and cricket could be played on, the Land would first need to be cleared and all of the weeds collected. The area would then need to be fully treated and it would need to be ensured that any drainage issues on site were resolved.
12. Assuming the cricket table was constructed to an appropriate standard then renovation works should be able to return this cricket table to use, and dependant on the quality of the table would require either Fraise Topping or Fraise Topping & Cultivation.
13. The work involved to bring the cricket outfield back into use would involve a staged process. First, the site would need to be cleared. This would require the grubbing out of any roots of all self-set trees and shrubs, the removal of all rubbish, and all vegetation removed by the use of herbicide. Second, minor grading would need to take place, provided that the levels were appropriately set out at the initial construction stage. Third, the drainage would need to be checked and any reparatory work carried out. Fourth, the outfield would need to be cultivated, blade grading carried out, and the seed bed prepared. Fifth, the seeding would then need to take place. Once these stages had all been completed, aftercare maintenance will need to take place.
14. Should the improvement works to the Land take place this season, i.e. during the summer of 2016, it is anticipated that cricket would not be able to be played on the Land until the 2018 cricket season which takes place during spring and summer 2018. I attach as exhibit DK4 an e-mail from Mr Sargent to myself outlining the details set out above which highlight the works needed and likely timeline completion.
15. I attach as exhibit DK5 a copy of a document entitled "Cricket : Budget Costs: Protecting Playing Fields Programme", this sets out typical budget costs in relation to cricket pitches. Given the condition of the Land I would anticipate that the type of costs to be incurred would be in line with those highlighted in this document.
16. I am aware that the Defendants have since the legal notices were served mown the grass. I attach photographs of the land in its current state, at exhibit DK6. As you can see from the photographs there is a substantial amount of further work required in order for the Land to be used for cricket.
17. Accordingly, I cannot see how cricket would be able to be played on the Land at present and, if cricket was to be played in future, all of the necessary steps as outlined above would need to be complied with in order to bring the Land up to a standard on which cricket could be played. I do not believe it would be fit for use as a cricket pitch until at least 2018.

STATEMENT NO: 1

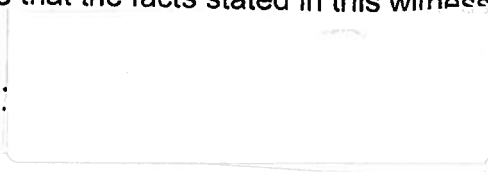
EXHIBITS: DK1-6

DATE: 10/08/2016

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed..:



Dated.....10.8.16.....

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD9

Statement for: Claimant
Statement of: David Paul Knevett
Statement No: 2
No of Exhibits: DK7
Date: 17 October 2016

CLAIM NUMBER: C01CF170

IN THE CARDIFF COUNTY COURT

BETWEEN

VALE OF GLAMORGAN COUNCIL

CLAIMANT

-v-

MR MICHAEL FISHER

FIRST DEFENDANT

-and-

MR DAVID SYLVESTER

SECOND DEFENDANT

SECOND WITNESS STATEMENT OF DAVID PAUL KNEVETT

I, David Paul Knevett, Operational Manager for the Claimant situated at the Civic Offices, Holton Road, Barry, Vale of Glamorgan, CF63 4RU will state as follows:

1. The information given in this statement is made on behalf of the Claimant.
2. I make this second witness statement to supplement the statement I have previously made in these proceedings on 10 August 2016. The information contained herein is provided having had sight of the Defendant's defence to this matter and in addition to that contained within my previous statement.
3. Mr Adam Sargent (who is as previously explained, a Parks and Open Spaces Officer for the Claimant) has upon my instruction visited the external perimeter of the Land on 6 October 2016 at approximately 1.45pm. I attach photographs of the Land taken from the external perimeter during this visit as Exhibit DK7.
4. Further to the evidence given in my statement of 10 August 2016 it is clear that the Land continues to remain in the same state as it was in when these proceedings were issued. From the photographs taken on 6 October 2016 it is evident that the Land remains in a position whereby the area of the cricket pitch is overgrown. Tall grass and weeds are still visible from the perimeter of the Land. I cannot see from the photographs taken on 6 October 2016 that a cricket pitch has been marked out on the Land and Mr Sargent from visiting the site held the same view. In fact there appears to be little if any change or no change to the Land save that there are less bales on the Land than there were the last time that the Claimant visited the perimeter. It is clear that the

bales remain dotted around the Land although they are less in number. These bales were present in August 2016 and are referred to in my earlier exhibits.

5. I continue to regularly drive past the Land on my route from my office to Penarth Leisure Centre as described in my earlier statement. I have not witnessed any cricket being played on the Land or any movement which would suggest any intention to develop the Land in accordance with the terms of the lease or as referred to in the defence. For example it does not appear that any other works, such as additional grass cutting, have taken place on the Land since the last Court hearing.
6. Given that no improvement works to the Land required in order to bring it up to a standard on which cricket could be played have commenced since the last Court hearing and taking account that the works are extensive, I believe my previous estimate of the time involved before cricket could be played now needs to be revised. I previously estimated that the Land would not be fit for use as a cricket pitch until the 2018 cricket season which would run between spring and summer 2018. As no improvement works seem to have commenced to the Land I would therefore consider that this time estimate would need to be extended, particularly as the 2016 cricket season has now ended. I would give a revised estimate for the pitch to be up to a playable standard by the end of the 2018/19 cricket season.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed.....



...

Dated.....17/10/2016.....

IN THE CARDIFF COUNTY COURT

CLAIM NO: C01CF170

BETWEEN:-

THE VALE OF GLAMORGAN COUNCIL

CLAIMANT

-and-

MR MICHAEL FISHER

FIRST DEFENDANT

-and-

MR DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DK1

















IN THE CARDIFF COUNTY COURT

CLAIM NO: C01CF170

BETWEEN:-

THE VALE OF GLAMORGAN COUNCIL

CLAIMANT

-and-

MR MICHAEL FISHER

FIRST DEFENDANT

-and-

MR DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DK6

Vale of Glamorgan
Classic Car Show

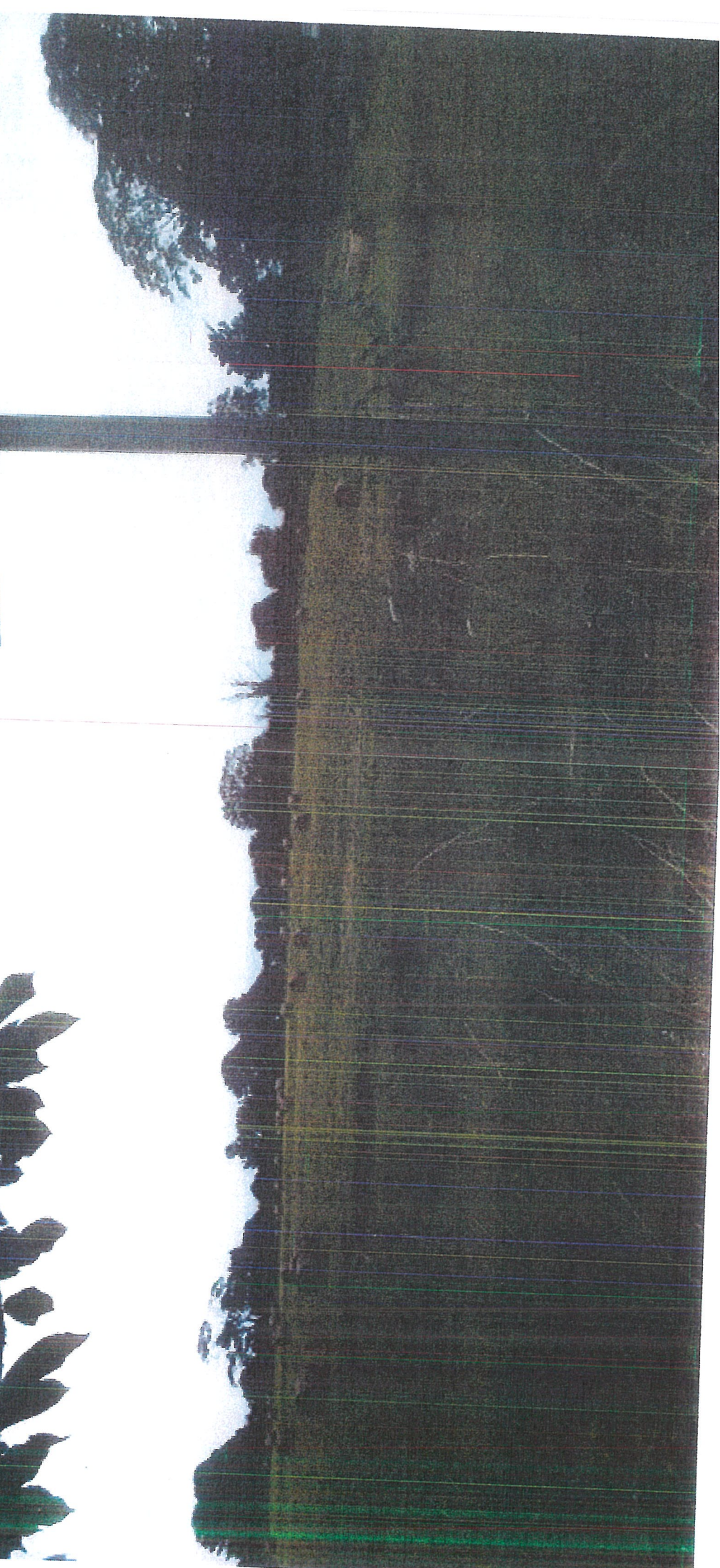




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CLAIM NUMBER: C01CF170

IN THE CARDIFF COUNTY COURT

BETWEEN

VALE OF GLAMORGAN COUNCIL

CLAIMANT

-v-

MR MICHAEL FISHER

FIRST DEFENDANT

-and-

MR DAVID SYLVESTER

SECOND DEFENDANT

EXHIBIT DK7















IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD10

Docherty, James

From: Sargent, Adam <ASargent@valeofglamorgan.gov.uk>
Sent: 05 July 2016 11:50
To: Morrison, Samantha
Subject: RE: Sully Centurions - Revised Statements
Attachments: 20160704_165906.jpg; 20160704_165914.jpg; 20160704_165839.jpg; 20160704_165844.jpg; 20160704_165848.jpg; 20160704_165855.jpg

Sam,

I attended site yesterday at approximately 5:15pm and viewed the site from outside the boundary of the site. Please see the attached photographs that were taken from outside the site. I can confirm that, based on the images and my viewing of the site no works has been carried out.

Regards,

Adam Sargent
Parks and Open Spaces Officer / Swyddog Parciau a Mannau Agored
Visible Services and Transport
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: Non DDI x883632
mob / sym: 07912292621
e-mail / e-bost: ASargent@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk
Ewch i'n gwefan yn www.bromorgannwg.gov.uk

Find us on Facebook / Cewch ddod o hyd i ni ar Facebook
Follow us on Twitter / Dilynwch ni ar Twitter

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

*Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

From: Morrison, Samantha
Sent: 04 July 2016 12:46
To: Sargent, Adam
Subject: RE: Sully Centurions - Revised Statements

Thanks Adam.

I'm issuing this case at Court today. Would you be able to make a note of the date that you last attended the site please and noted that the work had not been carried out?

Thanks very much,

Sam

Samantha Morrison
Trainee Lawyer / Cyfreithiwr Dan Hyfforddiant
Director's Office - Resources
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709831
mob / sym:
e-mail / e-bost: smorrison@valeofglamorgan.gov.uk

Visit our Website at www.valeofglamorgan.gov.uk







☆ Driveways ☆ Patios ☆ Landscaping
☆ Form Work ☆ Building Work
☆ Roof Top Repairs
☆ Fascias, Soffits,
☆ Guttering & Downpipes
5079

FOX
SS







IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD11

From: Cross, Lorna
Sent: 14 July 2017 12:25
To: James, Huw <HRJames@valeofglamorgan.gov.uk>
Subject: RE: Glebe Field, Sully

Hi Huw, I have now received the chairman's approval to remove the roller and cut the boundary/grass as per your quotation. Please proceed (not sure if there are any ecology issues relating to the overgrowth areas that need consideration before cutting?)

Thanks

Lorna

Lorna Cross BSc (Hons) MRICS
Operational Manager (Property) / Rheolydd Strategol Ystadau
Financial Services / Gwasanaethau Ariannol
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709307
mob / sym:
e-mail / e-bost: LCross@valeofglamorgan.gov.uk

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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

From: James, Huw
Sent: 13 July 2017 11:19
To: Cross, Lorna
Subject: RE: Glebe Field, Sully

Lorna,

There is no obvious area where the vegetation is causing an issue for the neighbouring property however from my experience it usually rises it's head at some point. The perimeter of the field is thick with bramble and blackthorn to a depth of 30 foot in areas which would take some time to cut back, there is also evidence of garden waste that has been tipped from the neighbouring properties within the overgrowth.

Cost to carry out the initial cut of the boundary £1,650-00

Cutting annually commencing the following year £385-00 (no need to cut the boundary more than once a year)

Regards

Huw James
Technician / Supervisor / Technegydd/Goruchwylydd
Visible Services and Transport / Gwasanaethau Gweledig a Thrafnidiaeth
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 709561
mob / sym: 07912293068
e-mail / e-bost: HRJames@valeofglamorgan.gov.uk

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IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD12

From: David Roberts [<mailto:drllandaff@yahoo.co.uk>]
Sent: 28 June 2017 21:59
To: Penrose, Bob (Cllr) <BPenrose@valeofglamorgan.gov.uk>; Cox, Geoff A (Cllr) <GACox@valeofglamorgan.gov.uk>
Subject: Re: Glebe Fields at Sully

Good evening both

Also mentioned was the removal of the sign advising that this is the new ground for Sully Centurions Cricket Club facing out onto the roadway.

Yours sincerely

David Roberts
Clerk
Sully and Lavernock Community Council

From: "Penrose, Bob (Cllr)" <BPenrose@valeofglamorgan.gov.uk>
To: "Cox, Geoff A (Cllr)" <GACox@valeofglamorgan.gov.uk>
Sent: Wednesday, 28 June 2017, 11:14
Subject: Glebe Fields at Sully

Geoff,

I have had a request from Sully and Lavernock Community Council that the following items be addressed by the Welsh Church Act Estate Committee

- The grass which is 5 feet high be cut.
- An old disused roller be removed from the site, previously owned by Sully Centurions Cricket Club.
- A large pile of stone dust (about 12 tons) could be removed from the site by the Community Council for utilisation for a parking area alongside Sully School.

Please advise in your capacity as Chair if you are able to assist with any of these issues.

Regards,
Bob

Bob Penrose
Councillor/Cynghorydd
Cabinet Member for Learning and Culture
Aelod Cabinet dros Ddysgu a Diwylliant
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn:
mob / sym: 07701372568
e-mail / e-bost: BPenrose@valeofglamorgan.gov.uk

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IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD13

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WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 16th July, 2018.

Present: Councillor G.A. Cox (Chairman); Councillor A.C. Parker (Vice-Chairman); Councillors Mrs. P. Drake, B.T. Gray and N. Moore.

Also present: Councillor R.A. Penrose.

174 APOLOGIES FOR ABSENCE –

These were received from Councillor Mrs. M. Wright.

175 MINUTES –

RESOLVED – T H A T the minutes of the meeting held 8th January, 2018 be approved as a correct record.

176 DECLARATIONS OF INTEREST –

No declarations were received.

177 LAND AT GLEBE FIELDS, SULLY (HOF) –

At the beginning of the item, permission was granted by the Chairman following a request from Councillor Penrose to address the Committee.

On behalf of members of the public, who were also present at the meeting, Councillor Penrose advised that he wished to share a proposal for the land at Glebe Fields on behalf of the Sully Community.

Sully had an expanding populace but with limited doctor surgery facilities. The doctor resident at the current surgery had expressed interest in developing a new health centre in the Sully area.

Councillor Penrose added that the Sully Community was mindful of funding restrictions however, believed that a scheme including the following would be the best use of the relevant land and for the benefit of the community:

- A Health Care Centre;
- New Public Library;
- 100+ Space Car Park;
- A Private Nursing Home; and
- Supported Living Bungalow Accommodation.

The Councillor highlighted that if it were possible to commission a developer to build the bungalow accommodation and nursing home then it would be an excellent foundation to try and obtain funding and contractors to build the health centre.

There were a significant amount of large properties in the Sully area occupied by single elderly individuals. Unfortunately, if said elderly individuals were required to leave their homes, they were currently unable to stay within the Sully area which was generally the desired option.

The community appreciated that the project needed to be sustainable and was in its very early stages of consideration however, the community was planning to go ahead with a pre-planning application based on the scheme suggested above

The Chairman asked for further clarification on the Councillor's comments around financing the proposal and welcomed a Member's supplementary question on whether or not the community was waiting for a developer to come forward.

Councillor Penrose acknowledged that both these matters would be influenced by the Committee's decision with regards to future plans for the land and it was the community's assumption that the land would be sold.

A Member asked about the library provision and how this would sit within the scheme. Councillor Penrose advised that, to cut down on building costs, it was envisaged that the library would be attached to the health centre.

A Member asked if the community had considered an age restriction on the assisted living bungalows. Councillor Penrose advised that, due to his knowledge of other similar schemes, he was aware that a 50+ restriction had been put in place previously but considering the demographics of the community it may even be possible to go as far as a restriction of 65+ pending further research. The community would support an age restriction and understood that there was a requirement for a certain amount of affordable units to be built into the scheme.

In referring to the Officer's report, Councillor Penrose addressed the statement regarding the possibility of further sports pitches being incorporated in to the site and wished to express the community's strong views that no further pitches were required as there were already adequate facilities in place within the area.

The Vice-Chairman added that the local need must be considered for any form of large development and advised that the current site was not included within the Council's Local Development Plan.

A Member thanked Councillor Penrose and the members of the public present for sharing their views and highlighted that it was extremely beneficial to have input from the local community.

The Chairman subsequently invited the Officer to present the report.

The Operational Manager (Property) presented the report to seek Committee's approval to appoint marketing agents to provide an options report for the marketing of vacant land at Glebe Fields.

The Head of Legal presented a report to Committee in January 2017 which sought to update Committee on the progress made in relation to Resolution (3) of Committee Minute No. 390, authorising the instituting of legal proceedings to forfeit the lease held by Sully Centurions, for the Glebe Field. The land was shown for identification purposes on the plan attached to Appendix A to the report.

Committee was advised that, since January 2017, matters had progressed and a Consent Order had been entered into to gain possession of the land at Glebe Field. The lease was forfeited and possession given up at the same time.

Since gaining possession of Glebe Fields, the land had been secured, with fences and locked gating having been erected by the authority. The Council's parks department was instructed (following consultation with the Chairman of this Committee) to cut the grass during the grass cutting season and to cut back any overgrown areas to the boundaries in order to keep the land in good order, which had also been undertaken.

Since possession of the land was secured, officers had received expressions of interest in using the land from third parties for a range of sporting activities such as local football and croquet clubs.

Committee were reminded that the sole concern of the Committee was to act in the best interest of the Trust in deciding the future use of land and property within the Trust's portfolio.

In order that Committee were fully briefed in connection with the options relating to the future use of the land, it was proposed that the Council's Planning section be asked to produce a brief statement outlining the Policy Context for the land and set out a range of uses that the land could potentially be put to.

Following receipt of the planning statement, it was recommended that marketing agents be instructed to provide a report outlining what potential demand there might be for the range of uses outlined in the planning statement. The report would then be presented to a future Committee meeting for discussion in order to seek instructions on how best to proceed with marketing the land (either by lease or freehold sale), if Committee was minded to take forward either option.

The Operational Manager concluded by advising that there would be costs associated with engaging marketing agents to prepare a marketing report. These costs were estimated to be no greater than £2,500. There were no other resource implications as a direct result of the report as any recommendations from the marketing options report would be presented back to Committee prior to any further action being taken in respect of marketing the land.

RESOLVED –

- (1) T H A T the current position with the land be noted.
- (2) T H A T the appointment of a marketing agent to consider possible demand for alternative uses for the land be approved and delegated authority be given to the Head of Finance to appoint a suitable advisor in consultation with the Chairman of the Committee.
- (3) T H A T the interest in the land by parties outlined in the report be noted.
- (4) T H A T a further report highlighting the possible future uses for the land be presented to the Committee as soon as possible after receipt of the marketing report.

Reasons for decisions

- (1) To apprise Committee of the current position with the land.
- (2) To seek Committee's approval to appoint marketing agents to report on the future use of the land.
- (3) To advise Committee of the recent interest in using the land from third parties.
- (4) To update Committee at the earliest possibility.

178 ANNUAL REPORT AND ACCOUNTS 2017/18 (MD) –

The Committee was asked to consider the Annual Report and Accounts as required by the Charities Act 2011 Section 162. The Charities (Accounts and Reports) Regulations 2008 require that the Annual Report and Accounts be approved by the Trustees as a body in accordance with their normal administrative procedures.

The Principal Accountant presented the report, highlighting the Annual Report and Accounts for the year ended 31st March, 2018 as contained in Appendix A to the report. The main features of the Report, when compared to the previous year, were as follows:

• **Statement of Financial Activities**

Surplus of £7,000 reduced from a surplus of £8,000 in 2016/17. This was due to a continued increase in investment income (£8,000) and reduced rental income (-£4,000) when compared with 2016/17. The grants allocation was increased from £45,000 in 2016/17 to £51,000 in 2017/18 to reflect the increased income (£6,000).

• **Balance Sheet**

An increase in the value of Long Term Investments of £12,000 due to the transfer of the short term investment (£8,000) and an increase in valuation (£4,000).

The value of the fund at year end was £4.960m, an increase of £11,000 on the previous year. This was attributable to the gain on the revaluation of stock market investments (£4,000). There was also an increase in the unrestricted funds held of £7,000 during 2017/18.

The Principal Accountant drew Committee's attention to an error on page 10 of Appendix A where the 2017/18 fund total for Debtors on the balance sheet had been amended to 7 on the version of the accounts to be signed.

Subject to approval by the Committee, the Annual Report and Accounts would be forwarded to the Council's external auditors, Wales Audit Office, for independent examination in December 2018.

The Chairman asked which level of risk the Trust was currently operating at, to which, the Principal Account advised the cautious end of balanced.

RESOLVED –

- (1) T H A T the Annual Report and Accounts 2017/18, as set out at Appendix A to the report, be approved.
- (2) T H A T the Chairman be authorised to sign approval on behalf of Trustees.

Reason for Decision

(1&2) In accordance with the requirements of the Charities Act 2011 and The Charities (Accounts and Reports) Regulations 2008.

179a APPLICATIONS FOR FINANCIAL ASSISTANCE 2018/19 (MD) –

The Committee was asked to consider applications for financial assistance funded from the Welsh Church Act Estate and for Trustees to consider an amendment requested to a previous award.

The Welsh Church Act Estate Committee had delegated authority to manage the Trust's affairs in accordance with "The Scheme" the Welsh Church Act Estate as vested in the Council. The purpose for which the Welsh Church Act Fund may make grants was set out in the summary at Appendix B to the Officer's report. Applications received were also set out in the report at Appendix A. Appendix C to the report set out the Fund's revenue estimates for the current financial year.

The Principal Accountant advised that the closing date for applications was 15th June, 2018. Subsequently, the sum of £55,000 had been provided for grants in the Trust's revenue estimates for 2018/19. It was recommended that an allocation of £32,196 be made for applications for grant assistance as set out at Appendix A which would leave a remaining balance of £22,804 to be allocated during 2018/19. The required funding of £400, to be drawn down from the unrestricted reserve, which was primarily held for the maintenance of the Trust's investment properties.

At its meeting on 8th January, 2018, the Welsh Church Act Estate Committee agreed to progress the recommended options for the lane to the rear of Church Road, Cadoxton at an estimated cost of £30,000. The cost would need to be funded from reserves and was reflected in the financial estimates shown in Appendix C.

The drawdown of £30,400 of reserves would leave an estimated reserve balance of £89,600 at 31st March, 2019.

The Officer drew the Committee's attention to Appendix A of the report and provided a brief summary of the ten applications contained therein.

A Member recommended that the funding applied for regarding applications 2, 4 and 6 (as contained in Appendix A) only be released subject to further audit and evidence being provided by the organisation that the alternative sources of funding, as specified, have also been received.

RESOLVED –

(1) T H A T applications 1, 3, 5, 7, 8, 9 and 10 for grant assistance, as set out at Appendix A to the report, be approved.

(2) T H A T applications 2, 4, and 6 for grant assistance, as set out at Appendix A to the report, be approved subject to sufficient evidence being provided that the specified alternative funding streams have been received.

Reason for decision

(1&2) In furtherance of the objectives of the Trust.

179b ANNOUNCEMENT – FUTURE MEETINGS –

The Chairman advised that the dates of future meetings were as follows with the meetings commencing at 4.15 p.m.:

- 15th October, 2018;
- 21st January, 2019;
- 1st April, 2019.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD14

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 17th June, 2019.

Present: Councillor G.A. Cox (Chairman); Councillor M.R. Wilson (Vice-Chairman);
Councillors: Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake and K.P. Mahoney.

Also present: Councillor R.A. Penrose.

35 APOLOGY FOR ABSENCE –

This was received from Councillor S.T. Wiliam.

36 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 21st January, 2019 be approved as a correct record.

37 DECLARATIONS OF INTEREST –

No declarations were received.

38 ANNUAL REPORT AND ACCOUNTS 2018/19 (MD) –

The Annual Report and Accounts 2018/19 were set out in Appendix A to the report. The Principal Finance Officer advised that there was an in-year deficit of £2k with the equivalent position for 2017/18 being a surplus of £7k. This had been due to a reduction in investment income of £5k when compared with the previous year. Grant allocations had been increased by £2k from £51k in 2017/18 to £53k in 2018/19 and there had also been an increase in other expenditure of £2k relating to repairs and maintenance in the main. Following a property evaluation during the year, the Committee's assets had had an increase in value of £158k.

With regard to the balance sheet, the value of the fund was at 31st March, 2019 £5.096m which was an increase of £136k from the previous year. This had been due to an increase in the value of Investment Properties of £158k due to the assets being revalued during the year, a reduction of £20k in the value of investments and a use of reserves of £2k to fund expenditure commitments.

Following a query from the Chairman regarding returns, the Principal Finance Officer confirmed that returns had decreased in the current year from the previous year. A Member also queried the split between assets and land, being advised that the Welsh Church Act Estate Committee only owned land.

In referring to Appendix A, a Member sought clarification in relation to the interest received from the Vale of Glamorgan Council at page 12 of the report. It was noted

that the majority of investment income was placed with Tilney Financial Planning Ltd, however £100k was invested on a cash basis with the Vale of Glamorgan. The Member requested the accounts should detail that investment more explicitly in the future. In that regard it was subsequently

RECOMMENDED – T H A T the report be amended as outlined above and be referred back to next meeting of the Welsh Church Act Estate Committee for final consideration and approval.

Reason for decision

In order that the Committee could oversee and approve the final report.

39 APPLICATIONS FOR FINANCIAL ASSISTANCE 2019/20 (MD) –

A budget of £50k had been set aside for issuing grants during 2019/20 and Appendix A to the report recommended the approval of grants to the value of £20k. A late application was presented by the Principal Financial Officer in respect of Christ Church Presbyterian Jerusalem Chapel and Hope Hall, which was duly accepted by the Chairman and the Committee for consideration.

Having fully considered the applications in line with the charitable purposes for which the fund may be applied, it was subsequently

RESOLVED –

(1) T H A T the following applications be approved:

| Name of Organisation | Specific Purpose for which Grant Requested | Grant Approved |
|--|--|---|
| Croes y Parc Church | Croes y Parc Chapel refurbishment – replacement windows and doors, treatment of woodworm and replacement of flooring, replacement pews, professional / planning fees | £2,150 be awarded with the remainder up to £5,000 agreed on the receipt of further quotes |
| Cadoxton Methodist Church | Provision of 150 quality stackable chairs in the chapel as a replacement for the wooden pews to make practical and accessible to all users | £3,000 |
| St. Hilary Church Within the Rectorial Benefice of Cowbridge | St. Hilary Church Tower Repairs – re-leading of roof, repairing fractured carbels, rendering and repointing of tower exterior | £5,000 |

| | | |
|--|--|--------|
| The Parochial Church Council of the Ecclesiastical parish of Penarth and Llandough | Repair and innovation work to retaining walls and grounds of the Church of the Holy Nativity, Windsor Road, Penarth | £5,000 |
| All Saints Church Llandaff North | Renovation of the East Wall of the church | £2,000 |
| Christ Church Presbyterian Jerusalem Chapel and Hope Hall | Jerusalem Chapel – structural “stitching” of exterior walls Hope Hall – Icynene foam insulation to seal up asbestos underside of roof, remainder of renovation costs, | £4,125 |

(2) T H A T the following applications be noted:

| Name of Organisation | Specific Purpose for which Grant Requested | Comments |
|--|--|-----------------------------|
| Peterston-Super-Ely Tennis and Sports Committee, Memorial Playing Fields, Ffordd Eglwys, Peterston-Super-Ely | Supply of demountable tennis nets and construction of secure storage area at the multi-use games area in the village of Peterston-Super-Ely which is due for completion in March 2019. | Application withdrawn |
| Dinas Powys Voluntary Concern – Registered Charity No. 502496 | Minibus / ambulance replacement | Application withdrawn |
| Cambrian Educational Foundation for Deaf Children – Registered Charity No. 515848 | Educational development of deaf children | Further information awaited |
| Music in Hospitals and Care, RWCMD, North Rd, Cardiff | Funding for four concerts for elderly people living in care homes in Cardiff to include a bespoke repertoire to maximise memory stimulation | Further information awaited |
| The Mentor Ring, a Limited Company by Guarantee with Charitable Objective, registered with Companies House, Registration No. 7472750 | Provision of sewing classes for ethnic minority women for 3 hours per week to provide “Relief in Need” where the sessions assist in mental distress and enable women to discuss hardships with one another while expressing themselves through a creative activity | Further information awaited |

Reasons for decisions

- (1) In furtherance of the objectives of the Trust.
- (2) In order to receive further information and it being noted that some of the applications had been withdrawn.

40 LAND AT GLEBE FIELDS, SULLY (DR) –

At the Welsh Church Act Estate Committee meeting on 16th July, 2018, the Committee was provided with an update in respect of securing possession of the land at Glebe Fields from Sully Centurions Cricket Club through the Courts and since that time, the land had been secured, with fences and locked gating having been erected. The land was shown for identification purposes on the plan attached at Appendix A to the report. The Committee was advised that the Council's Parks Department had been instructed to cut the grass during the grass cutting season and to cut back any overgrown areas to the boundaries in order to keep the land in good order.

Since possession of the land had been secured, officers had received expressions of interest from third parties for a range of sporting activities and other proposed uses such as a local football club, croquet club and grazing land requests. The Committee had previously granted permission to Councillor R.A. Penrose to address the Committee on behalf of a member of the local community who had proposed a range of uses for the site, including a Health Care Centre, New Public Library, car park, private nursing home and supported living bungalow accommodation.

In addition, since the last meeting of the Committee, a very recent expression of interest had been received from a third party, details of which would be referred to under Part II of the agenda.

RESOLVED – T H A T the contents of the report be noted having regard to the fact that further consideration would be undertaken under Part II of the agenda.

Reason for decision

To advise Committee of the possible options for the land and to provide officers with instructions on how the Committee would wish to proceed with the land.

41 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

42 LAND AT GLEBE FIELDS, SULLY (DR) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

Having regard to the Part I report on the agenda, the Committee was fully briefed in connection with the options relating to the future uses of the land. In 2018 the Committee had agreed that the Council's Planning Section be asked to produce a brief statement outlining the policy context for the land and setting out a range of uses the land could potentially be put to. In addition, it had been agreed that following receipt of the planning statement, marketing agents be instructed to provide a report outlining what potential demand there might be for the range of uses outlined in the planning statement and potential other uses. Marketing agents Jones Lang Lasalle had subsequently been appointed.

At the meeting, the Operational Manager for Property Services referred to the marketing agent's report and potential options available to the Committee.

Following considerable discussion, the Committee also being aware that they must ensure best value for the land, in recognising parameters for the marketing of the site needed to be set, it was suggested that a marketing brief be prepared and submitted to the Committee for consideration at its next meeting in September 2019.

RESOLVED – T H A T a marketing brief be presented to the next meeting for the Committee's consideration.

Reason for decision

In order for the Committee to make a decision.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD15

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 23rd September, 2019.

Present: Councillor G.A. Cox (Chairman); Councillor M.R. Wilson (Vice-Chairman); Councillors R. Crowley, Mrs. P. Drake, K.P. Mahoney and S.T. William.

Also present: Councillor R.A. Penrose.

319 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 17th June, 2019 be approved as a correct record.

320 DECLARATIONS OF INTEREST –

No declarations were received.

321 PRESENTATION – INVESTMENT PORTFOLIO UPDATE FROM TILNEY FINANCIAL PLANNING LTD –

The Chairman welcomed Mr. Justin Ogilvie, Director for Investment Management at Tilney Investment Management Services Ltd. who provided the Committee with supplementary information in the shape of a Valuation Report on the Welsh Church Act Estate Trust portfolio as at the end of August 2019 as well as a separate chart detailing the portfolio performance of the Fund.

Mr. Ogilvie advised that the Welsh Church Act Estate Trust portfolio value stood at £1,779,552.00, and that the Trust's assigned Asset Strategy level was Tilney Strategy 3, which was considered slightly lower than a medium level 4 risk. Mr. Ogilvie also advised that the service type description 'PIMS' stood for Personalised Investment Management Service, which continued to be type of service offered to the trust by Tilney Investment Management Services Ltd. Mr. Ogilvie also drew the Committee's attention to page 4 of the valuation report which demonstrated a yield of 2.1% which equated to an income of £37,366.05 since August 2018. In referring to the portfolio performance chart, Mr. Ogilvie highlighted that, during the course of 2019, the Trust assets grew above the UK Consumer Price Inflation (CPI) rate as required but noted that up to 50% of the Trust's investments were reliant on stock market movements.

The Vice-Chairman then asked Mr. Ogilvie to elaborate on what kind of yield rates would be expected for Asset Strategies or risk levels other than Tilney Strategy 3. Mr. Ogilvie explained that yield rates were dependent on a number of different factors, however it would be typically expected for there to be a higher yield rate with higher risk levels. The Trust's yield was currently at 2.1% which was proportionate to the Trust's current level of income. If the risk level were increased by one level then the yield percentage would increase to 2.6% and it would be for

No.

the Trust to assess whether an increase in risk was worthwhile. The Vice-Chairman also asked Mr. Ogilvie whether the Trust's commitment to ethical shares was the right approach, to which Mr. Ogilvie stated that the approach, together with setting the level of Asset Strategy at 3, was the brief provided by the Committee and his company could only advise on the Committee's instructions.

A Member noted that the portfolio yield had decreased whereas the capital growth was increasing, and asked whether the Trust would be able to access the capital. In response the Principal Accountant advised that any income generated was used by the Trust to award grants to applicants, and therefore capital could not be accessed. The Officer then asked whether the Committee wished to consider moving to a higher risk level than number 3 to see how it would affect yield rates.

A Member then highlighted whether, given the current period of political uncertainty, would it be worth increasing the portfolio's risk level for what might not be much gain. Mr. Ogilvie in response stated that Tilney was happy with the portfolio's performance considering the market was volatile and affected by external factors such as Brexit, and that performance and risk were interlinked. Should Trustees indicate that they wished to amend the portfolio's risk level, Tilney would want and need to give the Trust a clear and comprehensive explanation of what exactly could happen if increased risks did not pay off.

A Member queried whether there was any indication for what the Trust portfolio could look like following the effects of Brexit. Mr. Ogilvie advised that the portfolio contained different types of assets, the largest portion of which (at 44%) were equities. The presentation demonstrated the geographical allocation of the Trust's equities, with 47% being based in the UK stock market rather than the UK economy. The UK market was largely affected by external investment from multinational companies, with the main influence being the confidence and direction of Sterling which was fluctuating at present. The Chairman asked whether the geographical allocation of the Trust's equities had changed recently, to which Mr. Ogilvie replied that they had not.

Mr. Ogilvie concluded his presentation by asking whether Trustees would be happy to keep the portfolio at its current risk level and maintain its current level of ethical investment, to which the Committee agreed.

The Chairman took the opportunity to thank Mr. Ogilvie for his attendance and for Tilney's successful management of the fund under difficult market conditions.

It was subsequently

RESOLVED –

(1) T H A T the Welsh Church Act Estate Valuation Report as at 31st August, 2019 and the Investment Report with regard to the Trust Portfolio for the period 31st August, 2018 to 31st August, 2019 be noted.

(2) T H A T no change be made to the Committee's current portfolio investment arrangements and that an Ethical Investment Principal continue to be supported.

Reasons for decisions

- (1) To note the performance of the Trust's portfolio to date.
- (2) To provide instructions to Tilney Investment Management Ltd of the Committee's requirements.

322 APPLICATIONS FOR FINANCIAL ASSISTANCE 2019/20 (MD) –

Consideration was given to the applications for grant assistance as set out in Appendix A to the report. A budget of £44,000 had been set for issuing grants during 2019/20 and at the Trust's meeting of 17th June, 2019 grants had been awarded to the value of £20,000. The Principal Accountant drew the Committee's attention to Appendix A of the report which recommended the approval of grants to the value of £23,077.

The Officer also advised that given that a number of revenue applications had been received for which awards had also been made in 2018/19, it was proposed that awards were limited to applications for one off projects and not recurring funding. A significant number of awards had also been received during the year and it was proposed that in order to ration funding that organisations should only be awarded funding once in every three year period.

With reference to application 3 received from The Mentor Ring, which was previously deferred, the Officer advised that the objective of the project for which the funding was applied, would be to support ethnic minority women who were socially isolated with counselling and social integration activities. A Member expressed the view that granting funds to a group with the intention of only letting people of one specific culture and gender mix with one another was not inclusive. A Member also raised the concern that the project would not encourage attendees to mix outside of their culture. The Vice-Chairman asked for further clarification on what the charitable objective of The Mentor Ring was, which the Principal Accountant answered by reading from the Group's application. A Member expressed the view that the application targeted and supported a group of people who were excluded and often isolated, and the proposed programme would be a good first step in allowing the group in question to mix with one another in the first instance and share their experiences before encouraging them to mix more widely. Another Member agreed, stating that from experience within their own Ward they knew that the particular group of individuals could often feel isolated even within their own families.

A Member then suggested that for similar applications in the future, information sessions be provided to better Members' awareness around relevant issues and to ensure that debates took place which were based on knowledge and understanding. The Chairman asked whether the Committee could request a progress report from The Mentor Ring in the future to inform the Trust of the impact of their work. The Principal Accountant agreed to further this request.

No.

The Committee agreed to support the application, however Councillor K.P. Mahoney asked for the minutes to record that he was strongly opposed to the application in question as in his view the project was not inclusive and grants should be awarded by the Trust to applicants whose projects are open to all.

The Principal Accountant recommended to the Committee that all applications be approved apart from application 4 Princes Street Evangelical Baptist Church as the report noted that the organisation had received funding in 2017/18 and 2018/19.

The Vice-Chairman also noted that application 10 from Grange Pavilion indicated the applicant had a substantial amount of money within their accounts and asked that this application be put on hold until more information could be provided about why a grant was required.

In conclusion, a Member requested that in the future the list of applications should include information about the specific locations of where each application was based, and the Principal Accountant agreed to address this.

RESOLVED –

- (1) T H A T application for grant assistance number 1, 2, 3, 5, 6, 7 and 9 as contained in Appendix A of the report be approved.
- (2) T H A T application 4 be refused in light of previous awards being granted in both 2017/18 and 2018/19.
- (3) T H A T application 10 be deferred pending further information in respect of the applicant's financial circumstances.
- (4) T H A T a progress report be requested of The Mentor Ring (Application 3), in relation to the impact of the project and the value of the funding provided by the Trust.
- (5) T H A T funding be prioritised to unique applications and limited to once in every three year period going forward.
- (6) T H A T information relating to the location of applicants' projects be added to future versions of the list for financial assistance document.

Reasons for decisions

- (1) In furtherance of the objectives of the Trust.
- (2) In line with Recommendation (5) above.
- (3) So that the Trust receives further information regarding applicant 10's finances prior to a decision being made.

No.

- (4) So that the Trust receives further information regarding applicant 3's work and the value of the grant awarded.
- (5) To ensure that there was sufficient funding available for grant awards across the financial year.
- (6) So that Trustees are provided with better contextual understanding of applicants' projects.

323 ANNUAL REPORT AND ACCOUNTS 2018/19 (MD) –

The Committee was asked to consider the Annual Report and Accounts as required by the Charities Act 1011, Section 161. The Charities (Accounts and Reports) Regulations 2008 require that the Annual Report and Accounts be approved by the Trustees as a body in accordance with their normal administrative procedures.

The Principal Accountant advised that the net value of the funds as at 31st March, 2019 was £5.096 m which was an increase of £136,000 when compared to the previous year. A Member noted that while the report referred to this increase being "attributable to an increase in the value of land and buildings", the Trust's portfolio contains only land. The Officer confirmed that buildings had been referred to erroneously in this instance, and that the report would be amended accordingly ahead of the Chairman's approval.

During 2018/19 there had been a deficit of £2,000 against unrestricted funds and the annual accounts had been presented to Committee in June 2019. Therefore, the Officer noted that the predicted balance of an estimated £88,000 of unrestricted funds for the year 2019/20 should be amended to £86,000 to reflect this deficit.

It was therefore subsequently

RESOLVED –

T H A T the Annual Report and Financial Statements 2018/19 (Appendix A), including the amendments as set out in the minutes above, be approved and the Chairman be authorised to sign the same on behalf of the Trustees.

Reason for decision

In accordance with the requirements of the Charities Act 2011 and the Charities (Accounts and Reports) Regulations 2008.

324 LAND AT GLEBE FIELDS, SULLY (MD) –

The Operational Manager (Property) presented the report, the purpose of which was to update Committee on the progress undertaken since the last Committee meeting on 17th June, 2019 and to allow presentations to be made to Committee by interested parties so that instruction on the way forward for the site could be sought.

It was noted that presentations from interested parties would be heard under Part I and then additional Planning, Legal and Estates advice would be heard in conjunction with the Part II report later in the agenda.

Councillor Penrose, not a Member of the Committee but with permission to speak, introduced the presentation from the first of two interested parties present. Councillor Penrose was joined by Mr. R. Thomas and Mr. S. Thomas who proposed a community project working for the benefit of residents of Sully and Lavernock. The proposed scheme would include a much needed public car parking area, a new building to accommodate an enlarged library and a new base for the overcrowded GP practice, with a pharmacy and space available for consulting rooms for other health related professionals. The scheme would also afford substantial open recreational space and it would include the potential for environmentally friendly retirement bungalows. As a result of its location, the scheme would encourage active forms of transport such as cycling and walking, reducing the residents' road miles by offering facilities and services locally which would otherwise have necessitated travel to Cardiff, Penarth, Barry and further afield. As the scheme would be community owned and run, an important factor would be the cost of the land, as ideally it would be gifted or at least purchased at a reasonable price in line with open agricultural land prices.

The operation would be totally not for profit, with any accumulated surplus being reinvested into the community via community led schemes, and open book accounting would be made available to the Welsh Church Act Estate as required.

Mr. R. Thomas then continued with the presentation by highlighting that there was potential for the site to be over developed, which would be contradictory to the Local Authority's Local Development Plan. He noted that ample public engagement would be needed, and that the scheme intended to engage the public in a positive way by being transparent in their objectives, by being open in their financial dealings and by offering the possibility for the public to participate in the scheme financially if they wished to do so. A Community Interest Company (CIC) offered a way to achieve the scheme's objectives as it differed from Charities in several key ways. CICs were designed specifically to benefit the community, but were not subject to the onerous regulations that Charities were and they were able to have a more commercial nature and could benefit from some of the advantages of limited companies. However, CICs also differed from limited companies in several key ways as their activities were limited by a Community Interest Statement which had to state the purposes for which the Company was set up, the range of activities that it would undertake in order to promote those purposes and the sections of the community that the CIC was intending to benefit. If a CIC existed as a company limited by shares it had to have an asset lock designed to

No.

ensure that the assets of the CIC were used exclusively for the benefit of the community. Mr. R. Thomas noted that the CIC had not been set up yet, pending an indication of the Trustees' intentions.

Mr. S. Thomas then continued the presentation, advising that the development would have to be phased as funding was paramount and they envisaged a limited number of retirement bungalows acting as enabling development to make up the shortfall. He noted that the primary aim of the scheme was the development of the Community Health Centre as the current facility serving the community was too small and of poor quality. Furthermore, due to a high amount of housing development in the surrounding area, demand for such a facility had increased and the development of this scheme would therefore be timely. He also noted that some of the consulting space at the health centre could be let out to Nuffield Trust and Spire, thus providing a regular income to the scheme. The proposed scheme would only occupy around a quarter of the site, leaving space for a development that would provide sufficient funds to make the project sustainable in the long term. The proposed development of retirement bungalows would allow existing local people to down size but live within their known environment, and free up larger properties to meet the need for family sized homes in the village. They were hoping to be gifted the land or to acquire the site at existing use value in order to then look at ways of achieving funding for the bungalows which, in turn, would fund the health centre, car parking and library relocation. Councillor Penrose advised that they would not be opposed to this development being a co-venture.

A Member asked for some clarification as to how, if the scheme became a joint venture, the shareholding profits would be disseminated. Mr. R. Thomas replied that the point would depend on the joint venture agreement, but generally any income would be expected to maintain both the project and be disseminated to all partners as agreed.

The Vice-Chairman asked for further clarification as to why a CIC model had been chosen as opposed to a limited company. Mr. R. Thomas advised that at the time that the decision was made it had ticked the most boxes for the scheme and felt like a more transparent way of working.

The Vice-Chairman also noted that the distance between the current healthcare facility and the site under question was quite considerable, and queried whether there was a possibility to look further into more sustainable transport methods. Councillor Penrose advised that the distance was frequently walked and cycled at present, and that the limited parking available under the proposed scheme would further encourage more active methods of transport.

Councillor Penrose reiterated that the proposed scheme would be a much needed community project but added that, it would be possible for the scheme and that of the Directorate for Learning and Skills (who were due to present next) to co-exist on the same plot and therefore the group was receptive to the idea and viewed it as an equitable option. Councillor Penrose thanked the Committee for their time.

No.

The Chairman then invited the representative of the second interested party to present, the Directorate for Learning and Skills, to present their proposal to the Committee.

The 21st Century Schools Manager for the Vale of Glamorgan Council, in making the presentation of the Directorate for Learning and Skills' proposal, advised that the proposal was to use the site to develop two new schools utilising funding available to the Council via the 21st Century Schools Band B programme.

One school would be a 2 storey expansion on Ysgol y Deri, a special educational needs school built for 206 pupils, currently at 269 pupils, and the second a 1 storey Centre for Learning and Wellbeing with a capacity for around 50 pupils, aiming to work with some of the Vale's most vulnerable young people to identify their individual needs and circumstances.

The Officer demonstrated in a Powerpoint slide that according to the master plan not all of the land under discussion would be used for education provision and that there could be opportunities to utilise the remaining space for health provision and residential or community use. Furthermore, the Officer highlighted that the school buildings themselves would also give provision to the community in the form of sports halls, Multi-Use Gaming Areas (MUGAs) and sensory gardens. The car parks would also be available for public use outside of school hours. The project had taken into account materiality and would work to ensure that any development would fit in with other local developments. The Officer also explained other benefits that the development would bring to the community in terms of apprenticeships, training, volunteering and the promotion of STEM subjects. The Officer concluded her presentation by highlighting the numerous ways in which the Directorate's proposal aligned with the Well-being of Future Generations (Wales) Act.

A Member questioned how the need for the additional special educational needs facility had increased to such a degree since the new facility at St. Cyres school was established, and how had the numbers for the original Ysgol y Deri site been misjudged to this extent. The Officer advised that predicting the number of pupils who required special educational support could be difficult due to factors such as an increase in early diagnosis, and changes to the Additional Learning Needs Act. Local Authorities across the country were working on the issue. The Member then queried why there was a need for two different types of school, to which the Officer advised that it was necessary as the Centre for Learning and Wellbeing would focus specifically on behavioural issues and vulnerable individuals.

Another Member asked the Officer about the possibility of linking the proposed new Ysgol y Deri facility with Beechwood College, a further education facility with special needs provision adjacent to the site under discussion. The Officer advised that since Beechwood College was a higher education facility, it would not be a feasible option. The proposed expansion to Ysgol y Deri would be for Primary provision, as the original facility was for Secondary only, and the Directorate did not want to duplicate provision that was already in place.

No.

A Member asked the Officer to confirm that under the proposal there would be 250 additional pupils travelling to the site, the majority of whom would require transport from the Local Authority. The Officer advised that the Member was correct. The Member also queried whether it was likely that some of those attending the Centre would have been excluded from other schools, and whether bringing such pupils to the site would be appropriate in such close proximity to Beechwood College where many attendees required a calm environment. The Officer replied that the aim of the centre would be to provide an environment where reasons for the behaviour of these individuals could be identified and mitigated.

RESOLVED –

(1) T H A T the presentations by interested parties in respect of the land at Glebe Fields, Sully be noted.

(2) T H A T the Committee would consider the proposals following the report and advice under Part II of the agenda.

Reasons for decisions

(1) To allow Committee to consider the expressions of interest from various parties in the land for the Committee to receive specific advice from officers relating to Planning, Legal and Estates matters.

(2) To provide officers with instructions on how Committee wished to proceed with the land.

325 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

326 LAND AT GLEBE FIELDS, SULLY (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Operational Manager (Property) presented the Part II report to provide Committee with detailed Planning advice and subsequent Legal and Estate advice and to seek a resolution for the way forward with the site. The report also asked the Committee to consider all the advice provided and determine the future of the land bearing in mind the duty of the Trust to manage land and property held by them in accordance with the Scheme of Trust and with Charity Law.

It was subsequently

RESOLVED –

- (1) T H A T the Planning presentation and advice, Legal and Estates advice as outlined in the Part II report be noted.
- (2) T H A T authority be granted to the Head of Finance to appoint a Qualified Surveyor to prepare a written valuation and marketing report for the Trust pursuant to the Charities (Qualified Surveyors' Reports) Regulations 1992/2980.
- (3) T H A T the Qualified Surveyor's Report be brought back to Committee with further recommendations upon receipt.
- (4) T H A T a visit to the site be arranged and take place before the next meeting of the Trust, scheduled for Monday 20th January 2020.

Reasons for decisions

- (1) To apprise Committee of the detailed Planning appraisal work, advice and recommendations together with additional Legal and Estates advice, to allow them to determine a way forward with the land.
- (2) In order to comply with the Charities (Qualified Surveyors' Report) Regulations.
- (3) In order to update Committee on the recommendations of the Qualified Surveyor's Report and seek instructions as to the way forward with the site.
- (4) In order to provide context to Trustees prior to considering the findings of the Qualified Surveyor.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD16

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of an extraordinary meeting held on 24th February, 2020.

Present: Councillor G.A. Cox (Chairman); Councillor M.R. Wilson (Vice-Chairman); Councillors Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake, K.P. Mahoney and S.T. Wiliam.

Also present: Councillor R.A. Penrose.

689 ANNOUNCEMENT –

The Chairman wished to thank Committee Members who had attended a site visit to Glebe Fields on the afternoon of Monday, 24th February, 2020 ahead of the current meeting, and to thank officers for having organised the visit. It was noted that Councillor S.T. Wiliam had given his apologies ahead of the site visit and that all other Members had attended.

690 DECLARATIONS OF INTEREST –

Councillor R.A. Penrose declared that he was attending the meeting as a Trustee of Sully and Lavernock Community Library Trust and not in his capacity as Ward Member for Sully.

691 LAND AT GLEBE FIELDS, SULLY (MD) –

The Operational Manager for Property presented the report, the purpose of which to seek confirmation of the way forward with the site following Committee's consideration of the Qualified Surveyors Report, which had now been received and was contained within the report under Part II of the agenda.

The officer began by reminding Members that during the Welsh Church Act Estate Committee meeting held on 23rd September, 2019, Committee considered formal presentations from parties who had previously expressed an interest in the site, including representatives from the Council's Directorate for Learning and Skills and a local Community Trust. A Planning Officer was also in attendance at Committee to present his findings in relation to possible alternative uses for the site and to answer any questions that Committee had in respect of planning matters. A summary had been provided to Committee of the key planning considerations and the possible alternative options for the site under Part II of the agenda for the meeting. Committee were also advised that the Trust remained responsible for ensuring that best consideration was received for the land, and that the advice of a "Qualified Surveyors' Report" (pursuant to Charity Regulations) was required before any decision could be made in respect of the land's future.

No.

Since the Committee meeting in September 2019, the officer advised that instructions had been drafted to obtain the required Qualified Surveyors' Report and quotations were sought from firms known to be able to provide such reports for Charitable Trusts. Subsequently, the appointed firm was provided with the background to the case and copies of relevant documents, including the Planning officers report. The officer advised that their report and recommendations had now been received, the details of which were reported under Part II of the agenda.

The officer concluded the report by reminding Members that the Trust had a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law, and that their decisions should be consistent with the Charity Objects and powers. There was also a Legal requirement for Trustees to:

- Act within their powers;
- Act in good faith and only in the interests of the charity;
- Make sure they are sufficiently informed;
- Take account of all relevant factors;
- Ignore any irrelevant factors;
- Manage conflicts of interest;
- Make decisions that are within the range of decisions that a reasonable trustee body could make.

There being no questions for the officer at this time, the Chairman subsequently invited Councillor Penrose, not a Member of the Committee but with permission to speak, to address Committee as a trustee of Sully and Lavernock Community Library Trust, a party with an interest in the site who had presented to Committee at the meeting held on 23rd September, 2019. All present were reminded of the confidentiality of Part II reports.

Councillor Penrose began by thanking the Chairman for allowing him to address Committee and continued by reminding Members of the scheme being proposed by the Trust, which was to acquire part or all of the site in question in order to undertake, as a Community Interest Company, the construction of a Health Centre and associated buildings, including a new Library and a Car Park. He highlighted that the project would meet the community needs of the growing population in Sully and Lavernock, as well as addressing the lack of social infrastructure in the Ward.

Councillor Penrose continued by highlighting that the land at Glebe Fields had historically served the collective community needs of the residents of Sully and surrounding areas by being available for a variety of uses such as Church Whitsun treats, sporting activities, picnics and dog walking. Furthermore, the Councillor emphasised that Glebe Fields was the only ideal site available in Sully for a new Health Centre and Library. He also noted that the site was of poor quality in terms of agricultural land as it was too small to be let for commercial farming, and would only be suitable as grazing land following the removal of existing ragwort.

Councillor Penrose advised that the Trust would be willing to negotiate for a couple of acres of the site on the boundary to South Road at prices reflecting agricultural usage, and would also consider a long-term lease of the land

No.

from the Welsh Church Act Estate Trust should selling not be an option. He also reminded Members that the Trust would be prepared to work on a joint project with the Education Department of the Vale of Glamorgan Council in order to attain their proposed scheme.

The Councillor concluded his address by expressing the Trust's hope that Committee would not reject the proposals of the parties who had expressed interest, as they could jointly offer many Education and Health benefits to the local community as well as other parts of the Vale of Glamorgan. He also advised that some residents of Sully and Lavernock were considering making an application for Village Green Status for the Glebe Fields pending an update as to how the Welsh Church Act Estate Trust would be moving forward with the site, and that some had indicated that any development other than that which was being proposed would not be welcomed by the local community.

A Committee Member asked Councillor Penrose to elaborate further as to what kind of joint project with the Council's Education Department the Trust would be willing to consider, and Councillor Penrose clarified that he was referring to a scheme as proposed by the Directorate for Learning and Skills, who had also presented as an interested party at the meeting held on 23rd September, 2019. He also suggested that the Trust's proposed scheme would tie in well with that of the Directorate for Learning and Skills, given that they had indicated there would be a surplus of land in their proposed development of the site.

The Member subsequently asked Councillor Penrose to confirm whether the Trust anticipated any financial issues arising in relation to their proposed development to which the Councillor replied that if the Trust's proposal went ahead as planned, the mortgage required for the development of the site would be covered by income generated through the leasing of the buildings associated with the Health Centre to healthcare organisations such as Nuffield Trust and Spire. He advised that not only would this revenue cover the mortgage repayments, but the Trust anticipated it could generate a financial surplus. He then added that the scheme could also be financed by investment from the local community, which would be welcomed and would give a yield of 9%.

There being no further questions, Councillor Penrose concluded his address to the Committee and thanked them for their time.

It was subsequently

RESOLVED –

(1) T H A T it be confirmed how Committee wished to proceed after consideration of the Qualified Surveyors' Report and recommendations which were outlined under Part II of the agenda.

(2) T H A T delegated authority be granted to the Head of Finance/Section 151 Officer in consultation with the Chairman to take forward the resolutions of Committee.

No.

Reasons for decisions

- (1) To provide officers with instructions on how Committee wished to proceed with the land following full consideration of the Qualified Surveyors' Report and recommendations.
- (2) In order that officers may proceed with Committee's instructions.

692 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

693 LAND AT GLEBE FIELDS, SULLY (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Operational Manager for Property presented the report, the purpose of which was to update Committee regarding the recommendations contained within the Qualified Surveyors' Report and to seek confirmation of the way forward with the site following Committee's consideration thereof.

Having provided Committee with a summary of the recommendations contained within the Qualified Surveyors' Report, the officer concluded by advising that the report recommended that Committee consider all of the advice provided and determine the future of the site in question, bearing in mind the duty of the Trust to manage land and property held by them in accordance with the Scheme of Trust and with Charity Law.

Discussion ensued, with Members asking officers for guidance regarding a number of matters relating to the recommendations contained within the Qualified Surveyors' Report.

Having considered the report and all the recommendations contained therein, the Committee subsequently

RESOLVED –

- (1) T H A T the Principal Lawyer and Operational Manager for Property consult with Planning colleagues within the Council to clarify:
 - what options are available to Committee in terms of the promotion of the site in the next LDP review for a mixed use for housing and community facilities / amenities,
 - how best to proceed with such a promotion of the site if the Committee were minded to do so;

No.

with a view to reporting options to Members at a future meeting.

(2) T H A T having been advised of the options available for moving forward with the site, Committee then identify how they wish to proceed and, if such a decision is other than in accordance with the Qualified Surveyors' Report, write to the Charity Commission to obtain their approval.

(3) T H A T until Committee has identified how they would like to move forward with the site, the land may be considered for short term uses such as grazing licence / licence for cutting (subject to any planning requirements) in consultation with the Chairman.

Reasons for decisions

(1) To ensure that Committee Members are made fully aware of all Planning implications and requirements in relation to the options provided to them in the Qualified Surveyors' Report, ahead of making a decision regarding how they wish to proceed with the land.

(2) To ensure that Committee Members fulfil their obligations in accordance with the Scheme of Trust and with Charity Law, and in order that officers may proceed with Committee's instructions.

(3) In order that the site should not lie vacant and without use until such a time as the Committee has made a decision as to how they would like to proceed with the land.

N.B. Councillor R.A. Penrose, having addressed the Committee under Part I of the agenda, left the meeting and was not present for any subsequent Part II agenda item.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD17

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 28th September, 2020.

The Committee agenda is available [here](#)

Present: Councillor M.R. Wilson (Chairman); Councillor G.A. Cox (Vice-Chairman); Councillors Mrs. J.E. Charles, Mrs. P. Drake and K.P. Mahoney.

Also Present: Councillor R.A. Penrose.

88 APOLOGIES FOR ABSENCE –

These were received from Councillors R. Crowley and S.T. Wiliam.

89 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 20th January, 2020 and the extraordinary meeting held on 24th February, 2020 be approved as a correct record.

90 DECLARATIONS OF INTEREST –

No declarations were received.

91 TILNEY FINANCIAL PLANNING LTD.: INVESTMENT REPORT AND UPDATE –

The Chairman welcomed Mr. Richard Stones and Mr. David Read of Tilney Financial Planning Ltd. to the meeting who provided the Committee with an Investment Report and Update which gave a summary and analysis of the Welsh Church Act Estate Trust's portfolio from 1st January, 2020 to 17th September, 2020, and context regarding global and local factors which had affected the portfolio's performance and could affect its performance going forward. Mr. Read provided detail regarding three major factors which had affected and could affect the performance of the Trust's portfolio: the effects of the COVID-19 pandemic on the UK stock market, the volatility of Sterling due to COVID-19 and Brexit, and the upcoming Presidential election in the USA.

In referring to the portfolio's income, Mr. Read noted geo-political factors which had affected the level of income for many companies and advised that, as income investors, Tilney had made changes to the portfolio in response to this and were confident that the Trust's portfolio would achieve its income target of £40k. Following the presentation Mr. Read welcomed any questions or comments from Committee Members.

The Chairman referenced the rising value of gold and commodities and queried why Tilney were not investing in these on behalf of the Trust. He also referred to the American election and asked what sort of effect instability in the country and a potential fall in the value of the US Dollar could have on the Trust's portfolio. In response to the Chairman's first question, Mr. Read advised that as it was being run on an ethical basis Tilney were prevented from holding mining companies or gold in the Trust's portfolio. He however suggested that, as gold was a natural hedge against currency debasement and inflation, Members consider whether the Trust should hold gold in its portfolio going forward. In response to the Chairman's second question, Mr. Read advised that provided there was a clear victor in the American election the portfolio would not be affected, but a drawn-out hung result could weigh on the dollar. He also noted, however, that such a result would affect the wider world and as the US Dollar was the World Reserve Currency it tended to do well in such circumstances, so depending on the severity if of the situation in America the portfolio could, counter-intuitively, perform well.

The Vice-Chairman asked whether Tilney's investment in Trojan Ethical had been made as it was seen as a good investment or because they were ethical, and Mr. Read assured Committee that while Tilney ensured that the Trust invested sustainably and responsibly, they would not look to invest in any part of the market that could not be justified on investment grounds, and continued by highlighting ethical investments in Civitas Social and Greencoat UK Wind which had brought good return to the portfolio.

There being no further questions for the Representatives from Tilney, the Chairman thanked them for their presentation and praised their managing of the Trust's portfolio in challenging circumstances. Mr. Read and Mr. Stones thanked Committee for their time and asked that they consider whether the portfolio should hold gold, and whether the Trust wished to maintain the portfolio's current risk profile, which had remained at Level 3 since it had begun. The Representatives subsequently left the meeting.

At this time the Principal Accountant wished to highlight to Members that Tilney had bought out the Trust's preceding Investment Advisors and as such they had not been chosen by the Trust. Given that the portfolio's yield had been somewhat lower than anticipated and, anecdotally, it had been suggested that the management fees being paid to them were quite high, the Officer suggested to Members that a benchmarking exercise both in terms of the investments held by other Welsh Church Act Estate Trusts and the attached management fees would be useful at this stage. Discussion ensued and a consensus was reached amongst Members that the Officer should carry out a benchmarking exercise as suggested and report back to Committee at the next meeting.

The Chairman also asked if the Officer could clarify the source of the Trust's stance on ethical investment in relation to gold. The Officer advised that this had been agreed as part of a previous Committee meeting and that she would identify the correct previous meeting minutes and circulate to Members accordingly.

There being no further comments it was subsequently

RESOLVED –

- (1) T H A T Tilney Financial Planning Ltd.'s Welsh Church Act Estate Investment Report and Investment Update for the period 1st January, 2020 to 17th September, 2020 be noted.
- (2) T H A T a benchmarking exercise be carried out in relation to the investments held by other Welsh Church Act Estate Trusts and the management fees being paid in relation to these, to be reported at the next meeting.
- (3) T H A T previous minutes of a meeting wherein the Trust's stance on investing in gold had been agreed be identified and circulated to Members.

Reasons for decisions

- (1) To note the performance of the Trust's portfolio to date.
- (2) To ensure Members fulfilled their duty as Trustees to maximize the income of the Welsh Church Act Estate Trust.
- (3) To inform Members of the reasoning for the Trust's position and to allow them to review the matter if appropriate.

92 APPLICATIONS FOR FINANCIAL ASSISTANCE 2020/21 (MD) –

The Principal Accountant presented the report and advised that a budget of £46,500 had been set for issuing grants during 2020/21 and that the report recommended the approval of grants to the value of £24,804, the full details of which were contained at Appendix A to the report.

The Officer also advised that there were outstanding applicants for financial assistance from 2017/18 and that the report recommended these applicants be informed that they now would need to reapply for Welsh Church Act funding due to the time period that had lapsed.

The Officer subsequently listed each grant application for 2020/21 in turn, noting the purpose of the application, the amount requested, the grant that the Officer recommended be allocated and the rationale thereof.

The Chairman advised he was happy to proceed with the Officer's recommendations and there was no dissent from other Committee Members. The Chairman also suggested that going forward there should be more publicity regarding the Trust and the work of the organisations which were granted funding, and that the Committee should visit organisations which had been allocated funding previously, in order that Members could see the impact of the Trust's assistance.

There being no further comments from Committee Members, it was subsequently

RESOLVED –

- (1) T H A T the applications for grant assistance as set out in Appendix A of the report be approved.
- (2) T H A T the proposal to inform outstanding 2017/18 applicants that they must now reapply for Welsh Church Act funding due to the time period that had elapsed be approved.
- (3) T H A T opportunities to publicise the Trust and associated organisations be identified.

Reasons for decisions

- (1) In furtherance of the objectives of the Trust.
- (2) To ensure the limited Welsh Church Act funding was utilised by organisations efficiently.
- (3) In order that the existence of the Trust and the work carried out through its allocation of grant funding be publicised more widely.

93 ANNUAL REPORT AND ACCOUNTS 2019/20 (MD) –

The Principal Accountant presented the report which set out the Annual Report and Accounts for the Trust for the year ended 31st March, 2020.

The Officer advised that the value of the fund as at 31st March, 2020 had been £4.969m, a reduction of £127k from the previous year which had been due to a reduction of £121k in the value of investments as a result of the COVID-19 pandemic and a use of reserves of £6k to fund expenditure commitments.

The Officer also drew Members' attention to the fact there was an in-year deficit of £6k, with the equivalent position for 2018/19 having been a deficit of £2k. This was due to a further reduction in investment and investment property income of £7k when compared with 2018/19 and £12k when compared with 2017/18. The grants allocation had reduced by £4k from £53k in 2018/19 to £49k in 2019/20 and there was an increase in other expenditure of £1k, in the main relating to repairs and maintenance.

The Officer informed Members that Audit Wales would be conducting an external examination over coming months with the accounts then being filed with the Charities Commission before the end of January 2021.

There being no questions from Members, it was subsequently

RESOLVED – T H A T the Annual Report and Accounts 2019/20, as set out at Appendix A to the report be approved, and that the Chairman be authorised to sign the same on behalf of Trustees.

Reason for decision

In accordance with the requirements of the Charities Act 2011, and the Charities (Accounts and Reports) Regulations 2008.

94 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT –

RESOLVED – T H A T the following matter which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

95 UPDATE ON LAND AT GLEBE FIELDS, SULLY (MD) –
(Urgent by reason of the need to expedite the matter)

The Operational Manager for Property began the presentation of the report, the purpose of which was to provide an update to the Committee in respect of the procedure for the promotion of Glebe Field as a Candidate Site in the Vale of Glamorgan LDP Review, and to advise of the timescales and procedures for promotion of Glebe Field as a candidate site and the documentational and evidential requirements thereof.

The report recommended that the Committee instruct the Planning Department of the Vale of Glamorgan Council to prepare a Development Site Review to inform them of the potential suitable land uses, and consider all the advice provided to determine the future of the land bearing in mind the duty of the Trust to manage land and property held by them in accordance with the Scheme of Trust and with Charity Law. The report also gave Committee an update in respect of an unsolicited offer received from Sully and Lavernock Community Library Trust for 2 acres of the site in question.

In response to a Member's question as to whether the Committee were legally obliged to follow the advice of a previously engaged Qualified Surveyor, the Principal Lawyer clarified that this would only be the case should the Trust be minded to dispose of the land. There was no duty to dispose of the land and the recommendations contained within the report did not commit the Trust to such an action, but there was a duty to obtain the best value possible for it should they proceed with disposal. The Member queried why the Committee were being asked to vote on whether the site should be put forward for the LDP Review if there would be difficulty building on it and expressed the view that if there was a bid in place for a portion of the site it should be considered. The Operational Manager for Property and the Principal Lawyer both clarified that Members were not being asked to vote as to whether the site should be put forward for the LDP Review, the report was asking for the authority to engage Planning Officers to carry out further work in the form of a Development Site Review, which would subsequently be reported back to

Committee in order to inform their decision as to whether to retain or dispose of the land at a later date.

There being no further comments from Members it was subsequently

RESOLVED –

- (1) T H A T the procedure and process for proposing the Glebe Field as a Candidate Site for the Vale of Glamorgan Council LDP Review be noted.
- (2) T H A T the Vale of Glamorgan Planning Department be instructed to undertake a Development Site Review at a cost of circa £1,000.
- (3) T H A T the reference to the Part II agenda be noted.

Reasons for decisions

- (1) To understand the requirements for proposing the Glebe Field as Candidate Site for the Vale of Glamorgan LDP Review.
- (2) To provide the Committee with additional information to inform them of the potential uses of the land which would be more likely to result in a successful promotion of the Glebe Field as a Candidate Site.
- (3) To note the report and recommendations under Part II of the agenda.

96 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

97 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT –

RESOLVED – T H A T the following matter which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

98 UPDATE ON LAND AT GLEBE FIELDS, SULLY (MD) (EXEMPT INFORMATION – PARAGRAPHS 13 AND 14) -
(Urgent by reason of the need to expedite the matter)

The Operational Manager for Property presented the report, the purpose of which was to provide details of an offer letter received from the Sully and Lavernock Community Library Trust and to seek instructions from the Trust in terms of an appropriate response.

Having summarised the offer received, the Officer reminded Members that there was an obligation on the Trust to market any surplus land in accordance with the requirements of Charity Law in an open and transparent way ensuring at the same time that the best possible value is achieved for the land, and that it was for this reason that the report recommended that the bid in question for part of the site be deemed premature and Officers instructed to write to the Chair of Sully and Lavernock Community Library Trust to confirm the same.

Discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter. Having given full consideration to the contents of the report and Officers' guidance it was subsequently

RESOLVED – T H A T Committee note the offer received from Sully and Lavernock Community Library Trust and instruct the Operational Manager for Property to write to the applicants to confirm that the offer was currently deemed to be premature and would need to be submitted at the appropriate time as part of any future open marketing process.

Reason for decision

To ensure that the Trustees followed their obligations to act in accordance with Charity Law.

N.B. Councillor R.A. Penrose, having observed Part I of the agenda as an Attendee to the remote meeting, subsequently disconnected the meeting and did not observe any subsequent Part II agenda item.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD18

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 18th January, 2020.

The Committee agenda is available [here](#).

Present: Councillor M.R. Wilson (Chairman); Councillor G.A. Cox (Vice-Chairman); Councillors Mrs. J.E. Charles, Mrs. P. Drake, K.P. Mahoney and S.T. William.

Also Present: Councillor R.A. Penrose.

347 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be recorded via the internet and this recording archived for future viewing.”.

348 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 28th September, 2020 be approved as a correct record.

349 DECLARATIONS OF INTEREST –

Councillor M.R. Wilson declared an interest in Agenda Items 8 and 11, ‘Land off Myrtle Close, Penarth’ (Part I and Part II). The nature of the interest was that the Councillor was the Member for Stanwell Ward and a Member of the Planning Committee. The Councillor disconnected from and vacated the meeting before the agenda items were discussed, with the Vice-Chairman assuming Chairing responsibilities in his absence.

350 APPLICATIONS FOR FINANCIAL ASSISTANCE 2020/21 (MD) –

The Principal Accountant presented the report which advised that a budget of £46,500 had been set for issuing grants during 2020/21, and following the allocation of grants totalling £24,804 by Committee at the previous meeting, a remaining balance of £22,196 had yet to be allocated.

The report recommended the approval of grants to the value of £22,000, the full details of which were contained at Appendix A to the report. This left a balance of £196 to be carried over for allocation in 2021/22.

The Officer subsequently listed each grant application in turn, noting the purpose of the application, the amount requested, the grant that the Officer recommended be

allocated and the rationale thereof. In response to a query from Councillor Mahoney in respect of the National Coastwatch Institution's application for replacement binoculars (Application 4), the Officer confirmed that the applicant required high-grade binoculars and had provided two quotes to support their application.

Having fully considered each application it was subsequently

RESOLVED – T H A T the applications for grant assistance as set out in Appendix A of the report be approved.

Reason for decision

In furtherance of the objectives of the Trust.

351 ANNUAL REPORT AND ACCOUNTS 2019/20 (MD) –

The Principal Accountant presented the report which set out the Annual Report and Accounts for the Trust for the year ending 31st March, 2020, with some minor presentational amendments having been made since the previous report following an Independent Examination carried out by Audit Wales.

The report recommended that the Annual Report and Accounts 2019/20 (which were attached at Appendix A to the report) be approved by the Trustees and the Chairman be authorised to sign the same on their behalf, in order that Audit Wales could add their signature and the documents be submitted to the Charity Commission before the end of the month.

The net value of the fund was unchanged from the value reported at the previous meeting, which at 31st March, 2020 was £4.969m, a reduction of £127k when compared to the previous year.

It was subsequently

RESOLVED – T H A T the Annual Report and Accounts 2019/20 be approved, and that the Chairman be authorised to sign the same on behalf of the Trustees.

Reason for decision

In accordance with the requirements of the Charities Act 2011, and the Charities (Accounts & Reports) Regulations 2008.

352 INVESTMENT MANAGEMENT REVIEW 2020/21 (MD) –

Following an update from Investment Managers, Tilney Financial Planning Ltd, at the previous meeting held on 28th September, 2020, there had been some discussion amongst Trustees in respect of the performance and risk level of the Trust's fund, investment management fees and the ethical approach to investment, and it had been resolved that a benchmarking exercise be carried out in relation to the

investments held by other Welsh Church Act Estate Trusts and the management fees being paid in relation to these.

The Principal Accountant presented the report and advised Committee that following enquiries with other Welsh Church Act Estate Trusts it was clear that values of their funds varied in size and, as such, treatments of these funds varied significantly. The Trust currently held £1.845m in investments, and its portfolio was invested on a 'Risk Level 3' in accordance with the summary of Investment Risk Strategies which was attached at Appendix A to the report.

The report also set out a proposal that Link Asset Management undertake an initial high level review of the current investment management arrangements which would outline some alternative options for the Trust to consider going forward.

Discussion ensued, and Members expressed views and raised queries which could be summarised as follows:

- While there were benefits to the pooling of resources (for instance with other funds or Local Authorities) there were clear risks, as had been demonstrated by Local Authorities elsewhere, and it was important that the Trust maintained control of their own fund;
- It was queried whether the Trust should consider a total investment strategy wherein the question of profit was removed. At present, once the target income of £40k was achieved any remainder went into capital growth, and the Officer advised she had asked Link Asset Management to consider as part of their review whether this split was appropriate;
- It would be interesting to have more detail regarding the levels of interest being earned by other Welsh Church Act Estate Trusts.

There being no further comments or queries it was subsequently

RESOLVED – T H A T some additional advice from the Council's Treasury Management Advisors, Link Asset Management, be requested with a further report regarding next steps concerning the investment strategy to be presented to Committee in due course.

Reason for decision

To enable the Committee to carry out a more detailed review of the investment management arrangements and Committee's approach to risk and socially responsible investments.

353 UPDATE ON DEVELOPMENT SITE REVIEW REPORT AND CONCLUSIONS FOR GLEBE FIELDS (MD) –

The Operational Manager for Property presented the report, which provided an update to Committee on the work undertaken by the Planning Department on the Development Site Review Report for Glebe Fields since the last Committee meeting,

which had now been finalised and was attached at Appendix A to the Part II report on the same agenda, at which point it would be discussed in further detail.

The Chairman invited Councillor Penrose, not a Member of the Committee but with permission to speak, to address Committee as a trustee of Sully and Lavernock Community Library Trust, a party with an interest in the site who had previously presented to Committee, and had submitted an offer for 2 acres of the site in question. The Councillor began by thanking the Chairman for allowing him to address Committee, and proceeded by stating that as time had lapsed since the Library Trust had expressed interest, he wished to reiterate the original expression of their interest to Committee.

The Councillor advised that the Library Trust wished to purchase the Glebe Fields site on behalf of a Community Interest Company which would be owned by the people of Sully, with the intention of building an extension to Sully Library, a doctors' surgery, a car park and 25 retirement bungalows. It was proposed that the Library Trust buy the land at its agricultural price under an overage agreement, wherein if planning permission were to be obtained, the Welsh Church Act Estate Trust would receive an uplift in price. The Councillor also noted that due to the Cog housing development, the requirement for affordable housing in Sully would be exceeded, whereas there remained a need for retirement bungalows amongst the community.

There being no comments or queries from Members, Councillor Penrose concluded his address to the Committee and thanked them for their time.

It was subsequently

RESOLVED – T H A T the report be noted and considered so that a decision on the matter could be taken under Part II of the Committee agenda.

Reason for decision

To enable a decision to be made under Part II of the agenda.

N.B. Councillor R.A. Penrose, having addressed Committee under Part I of the agenda, subsequently disconnected from the meeting and did not observe any subsequent Part II agenda items.

354 LAND OFF MYRTLE CLOSE, PENARTH (MD) –

The Operational Manager for Property presented the report, which advised Committee of an enquiry relating to its land off Myrtle Close, Penarth and to seek instructions in respect of a suitable response and way forward. Details of the enquiry were contained in the Part II report on the same agenda, at which point it would be discussed in further detail.

With there being no comment from Members at this time, it was subsequently

RESOLVED – T H A T the report be noted and considered so that a decision on the matter could be taken under Part II of the Committee agenda.

Reason for decision

To enable a decision to be made under Part II of the agenda.

355 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

356 UPDATE ON DEVELOPMENT SITE REVIEW REPORT AND CONCLUSIONS FOR GLEBE FIELDS (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Operational Manager and the Senior Planner presented the report which provided an update to Committee on the work undertaken by the Planning Department on the Development Site Review Report for Glebe Fields since the last Committee meeting in September, 2020, and to seek instructions from the Trust in terms of an appropriate way forward.

With the Senior Planner having given a comprehensive presentation of the report's contents and work undertaken by the Planning Department, discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter. Having given full consideration to the contents of the report and Officers' guidance it was subsequently

RESOLVED –

- (1) T H A T the update and Development Site Review Report be noted.
- (2) T H A T the Operational Manager for Property be instructed to appoint a suitable consultant to provide an Agricultural Land Classification survey.
- (3) T H A T delegated authority be given to the Operational Manager Property, in consultation with the Welsh Church Act Estate Committee Chairman and the Operational Manager for Accountancy, to agree the consultancy costs associated with the appointment referred to in Resolution (2) above.
- (4) T H A T a further update report be brought to Committee for their consideration when the results of the Agricultural Land Classification survey were available.

Reasons for decisions

- (1) To ensure that the Trustees were updated on the contents of the Development Site Review Report.
- (2) In order that a fully informed decision in respect of the future of the land could be taken by Committee.
- (3) In order to progress the appointments in a timely manner.
- (4) In order to keep Committee updated at the appropriate time.

357 LAND OFF MYRTLE CLOSE, PENARTH (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Operational Manager for Property presented the report, which advised that the Trust owned a parcel of land near Cogan Hall Farm, off Myrtle Close, Penarth, which measured approximately 4.7 acres. An email had recently been received which asked whether the Trust had any intention to market or dispose of the land, and the Officer sought Committee's instructions on a suitable way forward. The location of the land could be seen on a plan which was at Appendix A to the report, and numerous photographs of the site were shared with Members.

Following the Officer's presentation, discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter. Having given full consideration to the contents of the report and Officers' guidance it was subsequently

RESOLVED –

- (1) T H A T the enquiry received be noted.
- (2) T H A T the Operational Manager for Property be instructed to:
 - Appoint a "Qualified Surveyor" to provide further advice;
 - Respond to the enquiring party advising that the Trust were considering options for the site and could not confirm further details regarding future decisions at this stage; and
 - Engage with all known owners of the land surrounding the site regarding access options.
- (3) T H A T delegated authority be given to the Operational Manager Property, in consultation with the Welsh Church Act Estate Committee Vice-Chairman and the Operational Manager for Accountancy to agree the consultancy costs associated with the appointment referred to in Resolution (2) above.
- (4) T H A T a further update report be brought to Committee for their consideration in due course.

Reasons for decisions

- (1) In order for the enquiry to be considered and a suitable response provided.
- (2) In order to obtain the required professional advice in line with Charity Law and ensure that all relative parties are consulted regarding further parties.
- (3) In order to progress the appointments in a timely manner.
- (4) In order to keep Committee updated of progress in relation to the matter.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD19

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 14th June, 2021.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor M.R. Wilson (Chairman); Councillor Mrs. P. Drake (Vice-Chairman); Councillors: Mrs. J.E. Charles, G.A. Cox, R. Crowley, and S.T. William

102 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

103 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 18th January, 2021 be approved as a correct record.

104 DECLARATIONS OF INTEREST –

Councillor M.R. Wilson declared an interest in Agenda Items 8 and 12, “Land off Myrtle Close, Penarth – Update” (Part I and Part II). The nature of the interest was that the Councillor was the Member for Stanwell Ward and a Member of the Planning Committee. The Councillor disconnected from and vacated the meeting before the agenda items were discussed, with the Vice-Chairman assuming Chairing responsibilities in his absence.

105 APPLICATIONS FOR FINANCIAL ASSISTANCE 2021/22 (DR) –

The purpose of the report was to consider applications for financial assistance funded from the Welsh Church Act Estate.

A budget of £45,000 had been set for issuing grants during 2021/22. An unallocated budget amount of £5,196 carried over from 2020/21 was also available for allocation during 2021/22. Grants set out in Appendix A to the report totalled £9,750.00.

Having fully considered each application, it was subsequently

RESOLVED –

- (1) T H A T the applications for grant assistance as set out in Appendix A of the report be approved.
- (2) T H A T the proposal to inform outstanding 2018/19 applicants that they must now reapply for Welsh Church Act funding due to the time period that has lapsed be approved.

Reasons for decisions

- (1) In furtherance of the objectives of the Trust.
- (2) To ensure the limited Welsh Church Act funding is utilised by organisations efficiently.

106 LAND TO THE REAR OF CHURCH ROAD, CADOXTON (DR) –

The report brought to Committee an ongoing issue with repair and maintenance of this land which had been the subject of previous reports to Committee and discussions in relation to this matter, and sought Committee's views on how to move forward with the aim of finding a long term solution for future maintenance and management of the land.

In response to queries from Members, Officers provided legal advice in relation to access and other estates related advice.

As most Members were unfamiliar with the site it was agreed that further detail was required, while acknowledging that due to ongoing restrictions relating to COVID-19 no Committees within the Local Authority were undertaking formally arranged site visits.

The Chairman queried what liability there would be to Committee, if any, if it surrendered ownership of the land. The Principal Lawyer advised he would report back to the Chairman regarding this query.

Having fully considered the matter it was subsequently.

RESOLVED –

- (1) T H A T a determination regarding how to move forward with a long-term solution associated with maintenance and management of the land be deferred (save for the actions authorised pursuant to resolution 2 below) in order that Trustees have the opportunity to visit and assess the site on an individual basis.
- (2) T H A T the owners of the properties at Church Road adjacent to the land be contacted and advised of a possible opportunity to gain possession of the land.

Reason for decision

- (1) In order to provide context to Trustees prior to reaching a decision regarding this matter.
- (2) In order that Trustees can take into consideration the response of the third parties prior to reaching a decision regarding this matter.

107 GLEBE FIELDS – UPDATE REPORT (DR) –

The purpose of the report was to update Committee on the outcome of the Agricultural Land Classification Survey for Glebe Fields which was to be considered under Part II of the agenda.

There being no queries from Members it was subsequently

RESOLVED – T H A T the report be noted and considered so that a decision on this matter could be taken under Part II of the agenda.

Reason for decision

To enable a decision to be made under Part II of the agenda.

108 LAND AT CASSY HILL, CADOXTON (DR) –

The purpose of the report was to update Committee as to the advice contained in the Qualified Surveyor's report provided in accordance with s.119 of the Charities Act 2011 in respect of a small parcel of land at Cassy Hill, Cadoxton and to seek instructions on a suitable way forward. The report and its recommendations were to be considered under Part II of the agenda.

There being no queries from Members it was subsequently

RESOLVED –

- (1) T H A T the Qualified Surveyor's report and recommendations be considered in the Part II report on the agenda.
- (2) T H A T having considered the Part II report and recommendations, Committee consider next steps and how they wished to proceed.

Reasons for decisions

- (1) In order for the Qualified Surveyor's report to be considered fully and in accordance with Charity Law.
- (2) In order to agree a way forward for the land in question having considered the recommendations within the Qualified Surveyor's report and in line with Charity Law.

109 LAND OFF MYRTLE CLOSE, PENARTH – UPDATE (DR) –

The purpose of the report was to update Members as to the advice contained in the Qualified Surveyors report provided in accordance with s.119 of the Charities Act 2011 in respect of its land off Myrtle Close, Penarth and to seek instructions on a suitable way forward. The report and its recommendations were to be considered under Part II of the agenda.

There being no queries from Members at this time it was subsequently

RESOLVED –

(1) T H A T the Qualified Surveyor's report and recommendations be considered in the Part II report on the agenda.

(2) T H A T having considered the Part II report and recommendations, Committee consider next steps and how they wished to proceed.

Reasons for decisions

(1) In order for the Qualified Surveyor's report to be considered fully and in accordance with Charity Law.

(2) In order to agree a way forward for the land in question having considered the recommendations within the Qualified Surveyor's report and in line with Charity Law.

110 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

111 GLEBE FIELDS – AGRICULTURAL LAND CLASSIFICATION SURVEY UPDATE (DR) (EXEMPT INFORMATION – PARAGRAPHS 13 AND 14) –

The purpose of the report was to update Committee on the outcome of the Agricultural Land Classification Survey for Glebe Fields.

Following Committee's resolution at the previous meeting that the Operational Manager for Property be instructed to appoint suitable consultant to provide an Agricultural Land Classification survey, the Officer had consulted with the Council's planning section to establish a list of firms that the Trust could seek quotations from to undertake the required Agricultural Land Classification Survey. Planning colleagues had advised that Welsh Government also offered

specialist advice and would be able to advise further on what type of survey would be required and who to contact.

With Welsh Government colleagues having duly been contacted, the report provided detail regarding the outcome of their consultation. Discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter.

Having considered the contents of the report and Officers' guidance it was subsequently

RESOLVED –

- (1) T H A T the update relating to the Agricultural Land Classification Survey be noted.
- (2) T H A T further site investigation be obtained in order to promote the site as a candidate site at the relevant time if any are required following further advice from the Council's planning officer.
- (3) T H A T delegated authority be given to the Operational Manager Property, in consultation with the Chairman of this Committee and the Operational Manager Accountancy, to agree the consultancy costs (if any) associated with any further appointments referred to in Resolution (2) above.
- (4) T H A T a further update report when the results of any further site investigations / surveys are available be considered (if any required).
- (5) T H A T a separate report regarding the financial position of the Trust and its investment management arrangements be brought to Committee for their consideration in order to inform consideration of whether to dispose of the site in the future.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) In order that a fully informed decision in respect of the future of the land can be taken by Committee at the appropriate time.
- (3) In order to progress appointments in a timely manner.
- (4) In order to keep Committee updated at the appropriate time.
- (5) In order that Committee can consider the implications of such a report in relation to this matter.

112 LAND AT CASSY HILL, CADOXTON (DR) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The purpose of the report was to update Committee as to the advice contained in the Qualified Surveyor's report provided in accordance with s.119 of the Charities Act 2011 in respect of a small parcel of land at Cassy Hill, Cadoxton and to seek instructions on a suitable way forward.

The Operational Manager for Property advised that the Trust owned a very small parcel of land at Cassy Hill which measured approximately 33 sqm. Officers were approached by a member of the public who expressed an interest in purchasing / maintaining the land. Officers consulted with the Chairman and a Qualified Surveyor's report was sought to inform Committee and allow full consideration of this request.

Officers had consulted planning and legal colleagues and the advice from both has been provided to the Qualified Surveyor to ensure that the report was robust.

Following the Officer's presentation, discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter. Having given full consideration to the contents of the report and Officers' guidance it was subsequently

RESOLVED –

- (1) T H A T the expression of interest in the small parcel of land at Cassy Hill, Cadoxton be noted.
- (2) T H A T the land referred to be disposed of in accordance with the Qualified Surveyor's report.
- (3) T H A T delegated authority be given to the Operational Manager for Property, in consultation with the Chairman of this Committee and the Operational Manager for Legal Services, to agree the terms and conditions of the disposal.
- (4) T H A T the Operational Manager for Legal Services be granted delegated authority to draft, complete and execute any documentation required to effect the sale.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) In order that Committee proceeds according to the recommendations of the Qualified Surveyor.
- (3) In order to progress the disposal.

- (4) In order to complete the disposal.

113 LAND OFF MYRTLE CLOSE, PENARTH – UPDATE (DR) – (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The purpose of the report was to update Committee as to the advice contained in the Qualified Surveyor's report provided in accordance with S119 of the Charities Act 2011 in respect of its land off Myrtle Close, Penarth and to seek instructions on a suitable way forward.

The Operational Manager for Property reminded Members that Officers had recommended at the January Committee meeting that that if the Trust were minded to consider disposing of this site, a report should be procured from a Qualified Surveyor which would provide recommendations on disposal options prior to any decision being made on the lands future. The Qualified Surveyor's report had now been received and was attached at Appendix B to the report.

Following the Officer's presentation, discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter. Having given full consideration to the contents of the report and Officers' guidance it was subsequently

RESOLVED –

- (1) T H A T the contents of the Qualified Surveyor's report be noted.
- (2) T H A T the Operational Manager for Property be instructed to engage with all known owners of the land surrounding the site regarding access options, with the outcome to be reported to Committee in due course.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) In order that all relevant parties are consulted regarding further options and that Committee are fully informed prior to reaching a decision regarding this matter.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD20

WELSH CHURCH ACT ESTATE COMMITTEE

Minutes of a meeting held on 4th October, 2021

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor M.R. Wilson (Chair); Councillors J.E. Charles, G.A. Cox and S.T. William.

419 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Assistant Democratic Services officer read the following statement:

“May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

420 APOLOGIES FOR ABSENCE –

These were received from Councillor P. Drake (Vice-Chair) and Councillor R. Crowley.

421 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 14th June, 2021 be approved as a correct record.

422 DECLARATIONS OF INTEREST –

Councillor G.A. Cox declared an interest in Agenda Item 6 ‘Investment Management Strategy Review 2021/22’. The nature of the interest was that the Councillor was the Clerk of the Trustees of the Evan Jenkins Charity who were advised by Charles Stanley, listed in the report as an Alternative Investment Provider. The Councillor withdrew from the meeting prior to the commencement of debate regarding this Agenda Item.

423 APPLICATIONS FOR FINANCIAL ASSISTANCE 2021/22 TRANCHE 2 (MD) –

The report advised that a budget of £45,000 had been set for issuing grants during 2021/22. An unallocated budget amount of £5,196 carried over from 2020/21 was also available for allocation during 2021/22. The grants allocated in Tranche 1 had totalled £9,750.00, and the grants recommended for Tranche 2 set out in Appendix A to the report totalled £30k.

An application had been received after the deadline which, at the Principal Accountant's request and with the Chair's permission, had been circulated to Members for their consideration prior to the meeting. Members confirmed that they were happy to accept the late application and consider it alongside the applications set out at Appendix A. The recommended grant for the late application was £2,354, therefore bringing the total of grants recommended to £32,354.

In response to a query from a Member the Principal Accountant confirmed that, should the recommended amount be granted, there would be a remainder of approximately £2,800 for the rest of the financial year, and while it would be possible to draw down reserves to fund subsequent applications if Members wished to do so, previously the Trust had stopped accepting further applications for the relevant financial year if there had not been sufficient funding.

Having fully considered the applications received it was subsequently

RESOLVED – T H A T the applications for grant assistance as set out in Appendix A of the report and in the supplementary papers circulated to Members prior to the meeting be approved.

Reason for decision

In furtherance of the objectives of the Trust.

424 ANNUAL REPORT AND ACCOUNTS 2020/21 (MD) –

The Principal Accountant presented the Annual Report and Accounts for the Trust for the year ended 31st March, 2021.

The Officer advised that the value of the fund as at 31st March, 2021 had been £5.230m, an increase of £261k when compared to the previous year. There was also an in-year surplus of £8k, with the equivalent position for 2019/20 having been a deficit of £6k.

While there had been a significant recovery on the value of investments there had been a further reduction in income received in year of £4k when compared with 2019/20, leaving the Trust £9k short of the £40k income target.

Having fully considered the report and its contents it was subsequently

RESOLVED – T H A T the Annual Report and Accounts 2020/21, as set out at Appendix A to the report be approved, and that the Chair be authorised to sign the same on behalf of trustees.

Reason for decision

In accordance with the requirements of the Charities Act 2011, and the Charities (Accounts & Reports) Regulations 2008.

425 INVESTMENT MANAGEMENT STRATEGY REVIEW 2021/22 (MD) –

The Principal Accountant presented the report which asked Members to consider the existing approach to Welsh Church Acts Investment and consider options for further review and developing a future strategy.

The Trust currently held £1.981m (£1.857m as at 31st March, 2021) in Investments which were managed on a discretionary basis by Tilney Investment Planning Ltd. The Trust was also holding £3.231m of investment properties as at 31st March, 2021 which were last valued in 2018/19.

The report provided an analysis of the performance of Tilney, reminded Members of their discretionary and ethical approaches to investment, and outlined their charging structure. The report also demonstrated how the income of the Vale of Glamorgan's Welsh Church Act investments compared when benchmarked against those of three other Councils.

In conclusion, the strategy review proposed three options for Trustees to consider:

1. That Trustees remained in the current investment approach and avoided costs associated with selling and moving across to a new investment platform. That Trustees considered reviewing their approach to risk to increase potential income returns and also considered reducing the amount of the investment allocated on an ethical basis.
2. That Trustees went through a formal investment review process and invite submissions from all parties noted in the strategy review document.
3. That Trustees considered moving away from the discretionary investment management approach and move to an approach where the Welsh Church Act Fund was invested through two or three common investment funds.

The Chair thanked the Officer for the report and expressed that his preference would be to opt for the third approach which was also being undertaken by the Trusts of two other Councils. The Chair noted that the first approach was the status quo with not much income being generated, and the second approach would take a lot of time while yielding little progress when considering the size of the fund in question.

With Members being in agreement with the Chair's suggestion, it was subsequently

RESOLVED – T H A T option three as set out in paragraph 2.34 to the report for the 2021/22 Investment Strategy be agreed as the most suitable option for Welsh Church Act Investments.

Reason for decision

To ensure that Trustees have fulfilled their obligations as Trustees to regularly review the Investments of the Vale of Glamorgan Welsh Church Act.

426 GLEBE FIELDS – UPDATE (MD) –

The purpose of the report was to provide an update to Members following the last resolution of Committee in June 2021 which was to be considered in detail under Part II of the agenda.

There being no queries from Members, it was subsequently

RESOLVED – T H A T the updated position and recommendations in Part II of the Agenda be noted.

Reason for decision

To enable a decision to be made under Part II of the Agenda.

427 EXCLUSION OF PRESS AND PUBLIC –

RESOLVED – T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

428 GLEBE FIELDS – UPDATE (MD) (EXEMPT INFORMATION – PARAGRAPHS 12 AND 14) –

The Operational Manager for Property presented the report which provided an update to Members on progress since the June Committee meeting.

Following the resolutions of Committee in June, the Officer had discussed next steps with the Council's Planning Officer who had advised of the requirements that the site would need to demonstrate for valid submission as a candidate site.

Discussion ensued, with Members asking Officers for guidance regarding the appropriate options available to the Trust in relation to this matter.

Having considered the contents of the report and Officers' guidance it was subsequently

RESOLVED –

(1) T H A T the updated position be noted.

(2) T H A T the Operational Manager for Property and Principal Lawyer be instructed to seek advice from Planning colleagues regarding the most appropriate timing for undertaking further site investigations or surveys, with a further update report to be brought to Committee once this information is available.

Reasons for decisions

- (1) To ensure that the Trustees are updated.
- (2) In order to keep Committee updated at the appropriate time and ensure Trustees are fully informed prior to making any further resolutions regarding this matter.

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

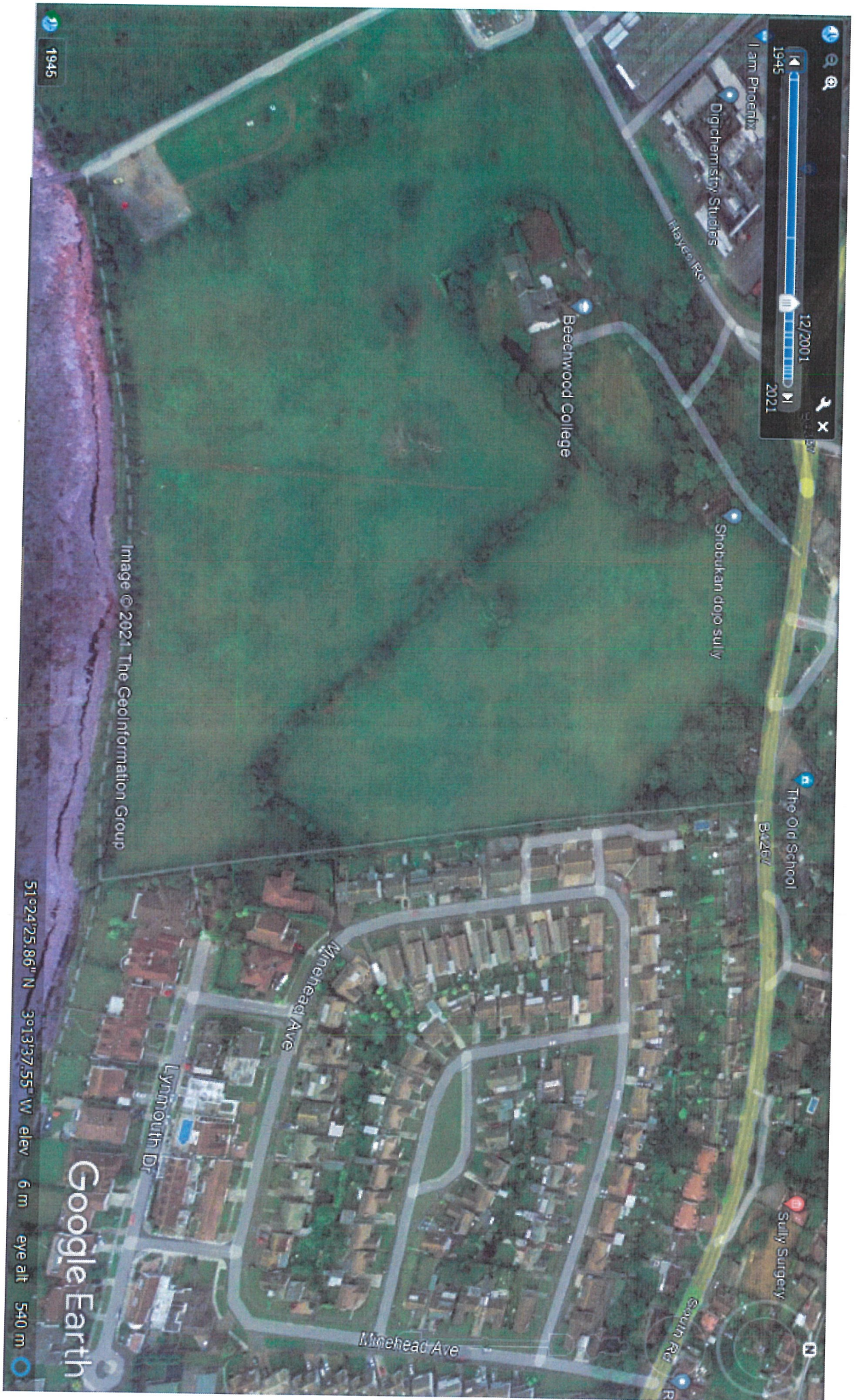
Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

Exhibit JD21



Timeline interface showing a range from 1945 to 2021. A slider is positioned at 12/2001. Navigation arrows and a close button (X) are visible.

Image © 2021 The GeoInformation Group

Google Earth

51°24'25.86" N 3°13'37.55" W elev 6 m eye alt 540 m



1945

1945

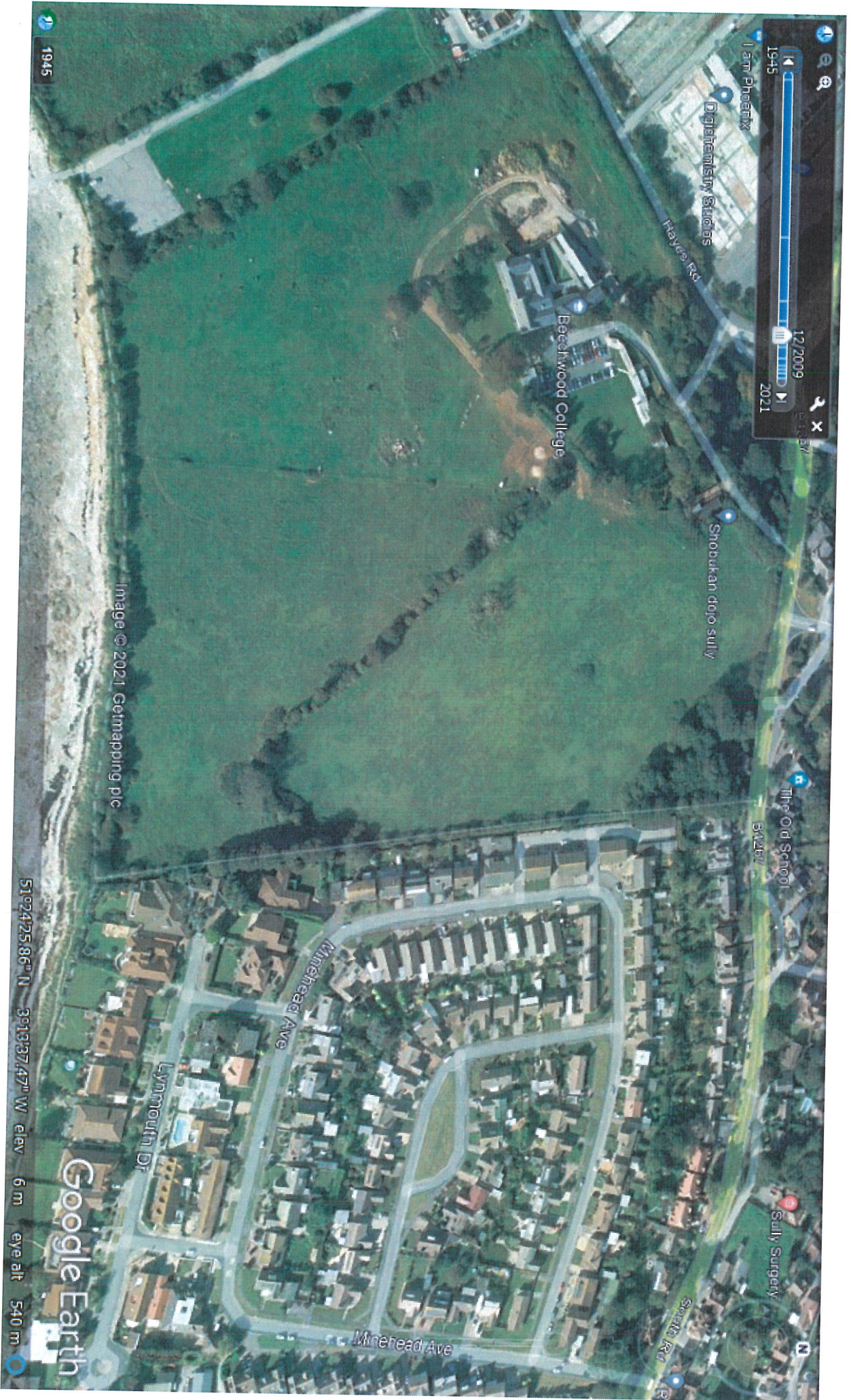
12/2006

2021

Image © 2021 Bluesky, Infoterra Ltd & COWI A/S

51°24'25.85" N 3°13'37.72" W elev 7 m eye alt 540 m

Google Earth





1945

Image © 2021 Maxar Technologies

51°24'19.62" N 3°19'22.56" W elev 6 m eye alt 540 m

Google Earth



Timeline interface showing a range from 1945 to 2021. The current date is 7/2013. Navigation arrows are present for moving through the timeline.

1945

51°24'25.75" N 39°13'37.51" W elev 6 m eye alt 540 m

Google Earth



1945 8/2016 2021

51°24'25.80" N 3°13'37.56" W elev 6 m eye alt 540 m

Google Earth



1945

6/20/18
1945
2021

51°24'25.83" N 3°13'37.57" W elev 6 m eye alt 540 m

Google Earth



1945 4/20/19 2021

Diachemistry Studios

Hayes Rd

Beechwood College

Shobukan dojo sully

The Old School

BA22E7

Sully Surgery

South Rd

Minehead Ave

Minehead Ave

Lynnouth Dr

Image © 2021 Maxar Technologies

Google Earth

51°24'25.72" N 3°13'37.53" W elev 6 m eye alt 540 m

1945



1945

1945 2/20/20 2021

Ilan Phoenix
Digichemistry Studios
Hayes Rd

Beechwood College

Shobukan dojo sully

The Old School
B1267

Scully Surgery

South Rd

Minchhead Ave

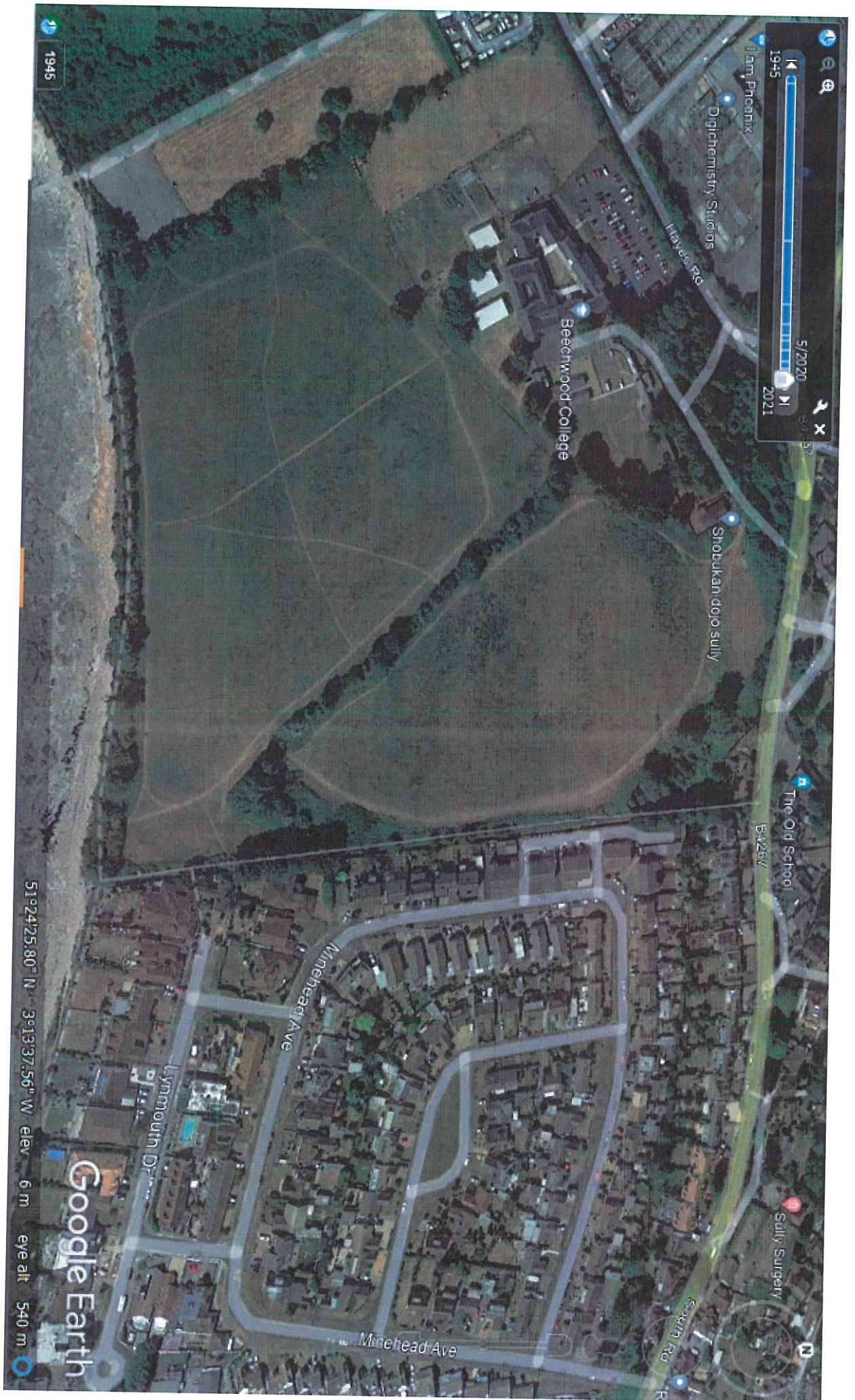
Minchhead Ave

Plymouth Dr

Google Earth

Image © 2021 Maxar Technologies

51°24'25.83" N 3°13'37.54" W elev 6 m eye alt 540 m



In the Matter of the Glebe Field, Sully

Application under Section 15 Commons Act 2006

Application number 01/2021 VG51

Applicant – Saving Sully and Lavonock Group, through Stephen Paul Thomas

Objector – Vale of Glamorgan Council

Response by Applicant to the Objection made dated 25th March 2022 by the Objector

1. Objection has been lodged by Vale of Glamorgan Council.
2. The Commons Registration Authority, under the terms of the Commons Act 2006, are Vale of Glamorgan Council. It is accepted that it is only the Commons Registration Authority who can make a Decision under the terms of Section 15 of the Commons Act 2006. It would be against natural justice for the Vale of Glamorgan Council as Commons Registration Authority to determine this application when their own Authority are the Objectors; and the matter should be referred by the Commons Registration Authority to an independent outside Inspector to hear all evidence independently of the Commons Registration Authority and to make recommendation to the Commons Registration Authority who, based on the independent advice of that Inspector, can then make a Decision in accordance with the requirements of the Section and the Act.

Principal evidence given in this matter on behalf of the Objectors is that of Mr James Drew Docherty, Principal Lawyer of the Objector Council who, in his statement, leads both facts and opinions and as the Principal Lawyer of the Objector Council, it would be quite wrong for the Council, as Commons Registration Authority, to investigate and determine the facts and opinions of this Application and of the Objection thereto in view of the said evidence of Mr Docherty.

We would be pleased to receive confirmation that such independent advice will be sought by the Commons Registration Authority and an independent Inspector appointed to hear evidence given by the Applicants and the Objectors, rather than the Commons Registration Authority sitting as the Council or as an appointed Committee dealing with Objection made by their own Authority.

3. In answer to paragraph 2 of the Objection, the Applicants do not accept that the application lands fall into two parts. It has, for all the time of the period raised in the Application, been one area of land albeit with a line of trees running diagonally from north west to south east between two former fields and access through that line of trees or bushes has, for a period of more than 20 years, been enjoyed by inhabitants of the locality in indulging such lawful sports and pastimes.

4. Paragraph 4 of the Objection – the Applicants note the history of the vesting of the property into the Objectors and raise no comment thereof.
5. Paragraph 5 of the Objection – the fact that the land was acquired ultimately by the Objectors through the route set out in paragraph 4 of the Objection and holds the same under the Scheme created by Section 19.1 (a) of the Welsh Church Act 1914 does not prevent the land becoming Town or Village Green if the requirements of Section 15 have been complied with. It is the net proceeds of sale, or the rents and profits arising from the land which are held on the charitable purposes referred to and the fact that such proceeds or monies are to be held on charitable purposes does not preclude the land becoming Town or Village Green under the provisions of Section 15 or howsoever.
6. The Church Fund, or latterly, Welsh Church Estate Act Committee, in its mission statement states its purpose is to work with the communities and not against them. The land being open and available for access by inhabitants of the locality or a neighbourhood within the locality. The Applicants therefore question the authority of the Objectors, therefore, to object to the Application, the Application being within the terms of the mission statement of the Trust.
7. Paragraph 7 of the Objection misapplies the interpretation of the word 'significant'. It has been long held by the Courts that 'significant' does not mean significant in terms of number, it simply has to signify to the landowner that his land is being so used for lawful sports and pastimes as of right for a period of at least 20 years. The Applicants say that the usage referred to in the Application and the Questionnaires is such to signify to the landowner that the land is being so used.
8. Paragraph 8 (a) of the Objection – there is no provision that persons providing Questionnaires have to provide statements. The Questionnaires stands for themselves, and the statement of Mr Thomas and the Questionnaires stand by themselves with the corroborating evidence supplied with the Application, and these are matters which must be tested by independent Inspector appointed to advise the Commons Registration Authority.
9. Paragraph 8 (b) of the Objection – it matters not that Mr Mahoney referred to now lives outside the area of the neighbourhood or the locality. It will be seen that Mr Mahoney grew up in Sully as an inhabitant of the neighbourhood or locality.
10. Paragraph 8 (c) of the Objection – it matters not as to how many households the suppliers of the Questionnaires represent, they are all independent residents of the locality or a neighbourhood within the locality, and this is a matter for an independent Inspector to advise the Commons Registration Authority upon.
11. Paragraph 8 (d) of the Objection shows a misunderstanding of the interpretation of the requirement for a 20 year period. It is not necessary for one or more supporter of the

Application to show a complete 20 year period, as long as the witnesses cumulatively cover the said period of 20 years.

12. Paragraph 8 (e) of the Objection – walking is a lawful sport and pastime. See Lord Hoffman's statement to that effect in *Sunningwell v Oxfordshire County Council*.
13. Paragraph 9 of the Objection – it matters not whether Mr Mahoney and/or Mr Penrose were both elected as members of the Objector Council. Being a member of the Council gives them no right as such to occupy premises or have access to premises owned by the Council, their respective access to the land the subject of this Application was as a private resident and not as an appointed member of the Council. Being an appointed member of a Council does not mean that such elected member forfeits his rights as a resident. The access of such elected member would only be in doubt if he or she was formally nominated or appointed by the Council to have access to the Council land in his or her capacity as a councillor and that does not apply in this case. Their use was not 'by right' because the Council gave them no authority to be on the said land and their use was therefore 'as of right'.
14. Paragraph 10 of the Objection – the Welsh Church Estate Act Committee requested for local groups and organisations to put forward 'expressions of interest'. It is understood that there were also 'expressions of interest' from the Vale of Glamorgan Croquet Club, Sully Football Colts, the Community Council, Vale of Glamorgan Education Department and the Sully and Llanvannock Community Library, of which Mr Thomas and Mr Penrose are Trustees. The fact that such expressions of interest were put forward does not prevent the land being deemed to be Town or Village Green if the requirements and criteria of Section 15 are met. Indeed, if the land was Town or Village Green, then there is nothing to stop expressions of interest which would allow the lands to be used for other purposes, and there to be an exchange of land application under Section 16 of the Commons Act 2006 to enable such 'development to take place'.
15. Paragraph 11 of the Objection – there is no requirement for propounders of land as a Town or Village Green to make objection to any planning application which may be incompatible to the use of the land as Town or Village Green, but in fact the use of the land as a cricket ground is part of the 'give and take' for which use Town and Village Greens can be used, viz examples of Village Greens being parts of golf courses or the other way round, parts of golf courses being also Town or Village Greens etc. In practice, a planning permission does not stop or inhibit inhabitants of a locality, or a neighbourhood within a locality using or continuing to access that land.
16. Paragraph 12 (a) of the Objection – interpretation of the aerial photographs is a matter for an independent Inspector. The Applicants say that irrespective of what the Objectors say the aerial photographs show the Questionnaires prove the usage by those persons of having access and usage of the Application lands.
17. Paragraph 12 (b) of the Objection – there may well have been a fence on the west side of what the Objectors call 'area B' between 2001 and 2011. The Application does not

apply to this land to the west of this fence line. It is further denied that the area to which the Objectors refer to as 'area B' has been cultivated with an arable crop.

18. Paragraph 12 (c) of the Objection – it is denied that what the Objectors refer to as 'area B' was in arable cultivation.
19. Paragraph 13 (a) of the Objection – it would appear that the photographs are taken from the pavement or roadway on the north side of what the Objectors refer to as 'area A'. It is not denied that there is a fence in places between that pavement and the north portion of area A. See the Application in this respect.
20. Paragraph 13 (b) of the Objection – this is a matter for testing of the evidence for an independent Inspector. The Applicants do not accept that the lands were not used as set out in the witness statements or Questionnaires.
21. Paragraph 13 (c) of the Objection – ditto.
22. Paragraph 14 of the Objection – ditto.
23. Paragraph 15 of the Objection - the Objection argues, as a matter of law, that there has been a trigger event on that part of the Application site which they describe as 'area A' which they argue means that a Town or Village Green cannot be registered. However, the Objectors have failed to take into account the legislation as it applies in Wales (as it is a devolved issue, the law differs from English law). The question is, has a terminating event taken place which negates the trigger event – see Schedule 6 to the Planning (Wales) Act 2015.

Table 1 (A – C) of the Schedule gives the terminating events. (A) where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, and that period expires without the development having begun. In the current instance, the Objectors claim that the planning permission was for a change of use '*from grazing land to cricket ground and associated car park facilities*' at Glebe Fields, Sully.

Firstly, it will be argued that that planning permission has no effect on the use of the land as Town or Village Green and it is an incumbent requirement, as set out in Section 15 (5) of the Commons Act 2006, that if any of the works proposed to be carried out in accordance with that planning permission are undertaken, then the lands the subject of the application would not become permanently unusable by members of the public. There are many examples of Town and Village Green existing quite happily alongside football pitches, golf courses, cricket pitches, race courses and so forth. As has been said by the Courts, there is give and take and shared user.

It must be noted that prior to the development taking place, a number of conditions of the Planning Permission had to be met before any lawful development could take place, significantly in conditions 2 and 9 of the said Planning Permission as exhibited by the

Objector. The Objector who are the body as the Local Planning Authority who are required to control and supervise and authorise any such planning permission have not produced any evidence that those conditions have been met.

Condition 2 states '*Notwithstanding the submitted details, prior to the commencement of development, details of the finished levels of the proposed development in relation to existing ground levels including cross sections, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details*'.

No evidence has been produced that the levels were produced and approved. The planning permission further provides that development can only take place in accordance with those levels. Hence, it is a staged approach.

1. Plans must be submitted
2. Plans must be approved in writing
3. Those levels must be calculated, including cross sections and approved before any development takes place

Even though earthworks may have taken place, they were only of a temporary nature and were not lawfully undertaken.

Nothing has been produced by the Objector save assertions that groundwork or levels were started. This clearly was preparatory work only. All invoices submitted and confirmed it was only groundwork on levels that never took place. No work on the development itself ever commenced; it is accepted that a cricket square was laid, but this was needed to ascertain the levels. No cricket could take place because the ground levels were never set and never implemented. The Objector has tried to use the statements of the Chairman of Sully Centurion Cricket Club in a separate action where forfeiture proceedings were being undertaken by the Objector as the landowning Council to forfeit the said lease granted to the Sully Centurions. It is clear from the evidence led by the Objector that the only work that ever took place was trying to get levels, and even this work was never completed as the Applicants will say and no doubt will require cross examination of the evidence led by the Objector that such works stopped due to the failure to complete the ground works and the land flooded.

The Town and Country Planning Act 1990 states development begins '*if there is a material change of use*'. The Act refers to work in respect of erection, demolition of a building, digging trenches for foundations, drainage, any development in the construction of a road, change in the use of the land which constitutes a material change of use. The Applicants say that no such 'development' has ever taken place. Nor has any commenced.

The definition of development is '*a material change in use*'. In the current instance, there never has been any change of use at all. The land the subject of this Application is still an

open 'field' /area of land and no works as set out above have been undertaken. This is all a matter of argument and fact which must be determined by an independent Inspector.

Condition 9 of the said planning permission provides '*No development approved by this permission shall commence until the Applicant, or their agents or successors in title, have secured the implementation of a written program of archaeological work in accordance with a written scheme of investigation which shall be submitted by the Applicant and approved in writing by the Local Planning Authority and the program and Scheme shall be fully implemented as defined in the approved details*'.

There is no evidence from the Objectors that such paperwork or investigation has ever been undertaken and any works that the cricket club may have undertaken was unlawful and not of valid effect.

The Applicant further says and submits that the trigger event either never happened or was terminated or in fact following the argument that the laying out of a cricket pitch did not interfere with the continued user of the subject land for lawful sports and pastimes of the inhabitants of the locality, the planning permission has never been effected or implemented.

It is clear that the proposed development of the creation of a cricket ground was subject to conditions that had to be complied with before any development could take place. Development is defined as a material change of use. There has not been a material change of use. It is also submitted that there was no developmental change of use ever took place, and none within the five years required by the condition 1 of the planning permission, and planning therefore lapsed without the development having been begun, ie the trigger event even if validly occurring was then terminated.

24. Paragraph 16 (a) of the Objection – this is a matter of argument and the question simply is did the use by inhabitants of the locality, or a neighbourhood within the locality, use the land so as to signify to the landowner that his land was being so used? The Applicants say that the answer to that was yes and it was not a matter of juggling how many people live in the locality against the number who it is said may actually use the facility.
25. Paragraph 16 (b) of the Objection – the Applicants say that such use has been consistent throughout the 20 year period from 2001 and was even significant during the short period when the cricket club cultivated the surface (not planting of any crops) and such cultivation did not stop or prevent inhabitants from continuing the use of the lands.
26. Paragraph 16 (c) (d) (e) and (f) of the Objection – this is a matter for an independent Inspector to determine between what the Objectors say on one hand and what the Applicants say on the other. Dog walking, exercise, foraging, picnicking, are all qualifying uses for determining 'lawful sports and pastimes' for a Town or Village Green.
27. The Objector has not referred to the fact that in 2011, there were only approximately 1,500 households in Sully and even on the number of Questionnaire forms submitted, it is

representative of 1% of the households in Sully, not that it is a requirement that there should be any set number or deemed number. The word 'significant', as stated herein, simply means that the use by the inhabitants must signify to the landowner that his land is being so used for the purposes of lawful sports and pastimes by inhabitants of the locality or neighbourhood of a locality.

The Objector states no activity took place in 2016. This is denied by the Applicants who in the Statements and Questionnaires have confirmed that there has never been any disruption to their continued use and enjoyment of the land as of right, and this of course is a matter that can only be determined by an independent Inspector hearing the evidence on both sides and subject to examination.

28. In respect of the Witness Statement of Mr James Docherty, it is noted that Mr Doherty is a Senior Officer employed by the Objectors and is a Committee member of the WCATC. In general respect of his statement, the Applicants have no knowledge of whether Agricultural Tenancy Agreements were entered into as stated by Mr Docherty, but the fact that there may have been a tenancy or a lease or occupation by any tenant or licensee does not preclude usage of the land becoming Town or Village Green if, as the Applicants maintain, the usage has been by inhabitants of the locality or a neighbourhood within the locality for lawful sports and pastimes as of right for a period in excess of 20 years. Such tenancy agreements, if they intrude into the period after 2001 or even before, never prohibited inhabitants accessing the said land, nor is there any evidence that inhabitants were ever challenged from such usage by any such tenant or licensee. The Applicants maintain that no notices were erected prohibiting access and no fences were erected or gates locked so as to prohibit access. The fact that there was a lease granted to Sully Centurions Cricket Club did not prevent access and the Applicants say that inhabitants of the locality or a neighbourhood within the locality were never prohibited access or challenged, whether by the grant of planning permission, by the grant of a lease, or by the short term unauthorised works undertaken by the Cricket Club. It should be noted that the temporary and apparent grading and preparation of the ground for sowing with grass as a cricket pitch did not occupy the whole of the lands on what the Objectors call field A. Only a relatively small area of that area was so used and that did not stop the inhabitants having access thereover.
29. All matters of photographs and hearsay evidence of the Objectors are matters of interpretation which should be put to an independent Inspector for the veracity of the Objection and the veracity of the Application to be tested and proper interpretation to be put thereon.
30. If it is held that a determining event did happen on land described as part A of the Application Land, then the Applicants say that the Application should proceed on the remainder of the lands, ie what is described by the Objectors as 'area B', because access was obtained to 'area B' and could be obtained to 'area B' quite separately from access over part A.

31. This is notwithstanding the Applicants submission that the required material change of use alleged by the planning permission for change of use from grazing land to cricket ground and associated car parking facility did not and could not stop the continued use of the lands by the said inhabitants. In any event, the said change of use never happened within the appropriate five years, and the Application should proceed in respect of what the Objectors refer to as parts A and parts B.

32. It is further submitted that clearly the Objector, the Vale of Glamorgan Council, whilst they have to act as final determining body in their capacity as Commons Registration Authority, cannot act as defending Counsel or the jury and indeed should not even contemplate considering the evidence without being advised by an independent Inspector holding a non statutory enquiry; which happening has been held by the Courts in all occasions as being the paper and appropriate course for a Council to take where it is involved in such Application or Objection. The authorities are too many to mention, but we assume, as stated in paragraph 1 hereof, that the Council accept that contention and will confirm forthwith that the matter of the Application and the Objection thereto will be submitted to an independent examination by way of non statutory enquiry.

33. The Applicants say that this is not an application which should be struck out or rejected without proper testing of the evidence of the Applicants and of the Objections thereto.

Lodged on behalf of the Applicants
By Edward Harris Solicitor
Tredegar Fawr
Llangyfelach
Swansea
SA5 7LS

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