

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Tuesday, 24 June 2025
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land at Glebe Fields, Sully - Town and Village Green Inquiry Application
Purpose of Report:	To update Committee on the Application to register Glebe Fields, Sully as a Town and Village Green
Report Owner:	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 land at Glebe Field has been the subject of a Town and Village Green Application. • The Trust has appointed specialist legal Counsel and objected to the Application. • Following an extended period of correspondence to narrow the issues the Council in its role as Commons Registration Authority has obtained authority to appoint an independent inspector to hold a non-statutory public inquiry. • Once the Inspector has been appointed directions will be provided to set out a timeline leading up to the Inquiry. 	

Recommendation

1. That Committee notes the update in respect of the Town and Village Green Application.

Reason for Recommendation

1. To note the and acknowledge the progress of the Application.

1. Background

- 1.1** Following the making of the Application to the Commons Registration Authority (CRA) to register the Land as a Town and Village Green (TVG) pursuant to Section 15(2) of the Commons Act 2006, the Trust gave authority to appoint specialist legal Counsel to prepare a formal objection to the Application.
- 1.2** As is normal in TVG applications the CRA then engaged with the parties to try and narrow the issues in dispute.
- 1.3** Following this period of correspondence the CRA has sought authority to instruct and independent inspector to hear the application at a non-statutory public inquiry, which is normal procedure where TVG applications are either complex or involve land owned or managed by the Council in another capacity.
- 1.4** The CRA's report to the Council's Public Protection Licensing Committee provides a comprehensive summary of the current position and copies of all the application documentation, including the Application itself and the WCAE Committee's objection. This is available on the Council's website [https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Licensing-Public-Protection/2025/25-05-13/TVG-Application-Glebe-Fields-Sully.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Licensing-Public-Protection/2025/25-05-13/TVG-Application-Glebe-Fields-Sully.pdf)
Thos papers are not attached to this agenda due to the amount of documentation.

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 The Trust has formally objected to the Application.

2.5 Following the appointment of the Independent Inspector it is likely that there will be directions prepared by the Inspector which will set out the timetable leading up to the Inquiry.

2.6 If Members of the Committee would like to ask further questions in respect of the application and the Committee's position it is recommended that the matter be moved to Part II in order that the Legal Officer can provide answers to those questions.

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 Trust is likely to incur further external legal costs in defending the Application.
- 4.2 If the Application is successful the value of the Glebe Fields is likely to be compromised due to the impact on the available uses of the land.

Employment

- 4.3 There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.4 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.
- 4.5 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 None.