

Inspector's Note 1 (9th April 2021)

I have been appointed by Kent County Council as registration authority ("the Council") to hold an inquiry and provide a non-binding report to the Council on whether a trigger event has occurred which would render the application for registration as a village green of land at Two Fields, Westbere invalid. The reason I have been appointed is that the Council has found that issue difficult to determine and wishes to have the benefit of my report based on a thorough understanding of the competing arguments. My report will address that issue only and will not consider whether the other requirements for registration as a village green are met. If the Council determines (following my report) that the application for registration is valid it will inform you as to how it intends to determine the substantive merits of the application.

On the trigger issue, I do not consider that the process need be complex or long – the issues have already been subject of exchanges and I see no difficulty with achieving the Council's suggested date for my report of late May to allow a committee to consider the issue afresh by the end of May/beginning of June.

I have seen representations to date from: (1) the applicant for registration and those supporting the registration; and (2) those interested in the land. Having considered those representations, my initial view is that the issues are suitable to be determined using a written representations procedure only without a hearing. Any representations as to whether there should instead be a remote hearing (to be held before the end of April) should be made by **4pm on 21th April 2021**.

Given that it appears that the subject matter I have to address is essentially one of law and interpretation of policy, I do not see the need for a site visit.

If the written representations procedure is used, I will invite further representations based on the material exchanged to date. Those written representations would need to address the overall framework of the Local Plan and how OS6 fits into that overall framework. I currently anticipate that any such further representations would be required **by 6th May 2021**. There would then be a final opportunity to respond to any *new* points raised by **13th May 2021**.

There is no requirement to provide further representations at either stage and I will take into account everything the Council has received to date.

I therefore invite a response to this Note with short answers to the following questions:

1. Do you agree with the use of written representation procedure or do you instead request that there be a remote hearing?
2. Do you have any objection to the following timelines:
 - a. If written representations procedure is used – representations by 6th May and final representations by 13th May 2021
 - b. If there is to be a remote hearing, hearing on 7th May 2021?
3. If you do have objections, what alternative timelines do you request?
4. Do you request that there be a site visit despite my initial view above? If so are there any particular locations you would like me to visit (please show on a map)?
5. If a site visit is to occur – can I access all parts of the site and does the landowner give me consent to do so (unaccompanied)?

The deadline for responses to this letter is 4pm on 21st April 2021 but earlier responses would be appreciated. I will issue my decision on the procedure to be adopted and deadlines for representations immediately after 21st April.

Communications should be via the email address below copied to melanie.mcneir@kent.gov.uk . Any representations or email contact other than in response to direct requests from me will not be taken into account. Please head your email response – “Response to Inspector’s Note 1” .

David Forsdick QC

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