

## STRATEGIC AND TECHNICAL PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON MONDAY 16 OCTOBER 2023

**Present:** Cllrs Robin Cook (Chairman), Shane Bartlett, Alex Brenton, Kelvin Clayton, Toni Coombs, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

**Apologies:** Cllrs John Worth and Dave Bolwell

**Cabinet Leads in attendance:** Cllr David Walsh

**Officers present (for all or part of the meeting):**

Philip Crowther (Legal Business Partner - Regulatory), Vanessa Penny (Definitive Map Team Manager), Elaine Tibble (Senior Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Carol McKay (Senior Definitive Map Technical Officer) and Matthew Turnbull (Democratic and Electoral Services Apprentice)

**Officers present remotely (for all or part of the meeting):**

11. **Minutes**

The minutes of the meeting held on 26 July 2023 were confirmed and signed.

12. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Coombs mentioned that Mr Shakesby, the applicant, had been a former Dorset Council Councillor and she knew him from the past, but had not had any association with him since he stood down from the role.

13. **Application to correct the commons register by removing land registered as common land at Knighton Common, Winfrith Newburgh**

The Senior Definitive Map Technical Officer presented the report to consider an application to correct Dorset Council's Register of Common Land by removing land registered at Knighton Common, Winfrith Newburgh under Section 19(2)(a) of the Commons Act 2006.

With the aid of a visual presentation the committee members were shown a map of the area and the views from various compass points. An aerial photo detailed the common land, an area of approx. 0.8 acres with a field to the south-east which was partly fenced and a track dissecting the site which served as a public footpath and access to a number of properties.

All responses to the consultation from the applicant and consultees were summarised within the report. There were a number of issues and concerns raised which the Senior Definitive Map Technical Officer addressed in her presentation.

A letter circulated by the applicant's legal consultants (Michelmores) was referred to and the points raised were addressed by both the Senior Definitive Map Technical Officer and the Legal Business Partner – Regulatory.

The Legal Business Partner advised that the scope of Section 19 (2)(a) only concerned the mistake of the authority in dealing with the application itself by not registering what had been applied for and as such the application fell outside the scope of those powers.

The recommendation was to refuse the application and the reasons for the recommendation were set out on the presentation.

Oral representation in support of the application was received from Mr S and Mrs E Leakey and from Sarah Rhodes, (legal representative for the applicant).

The Legal Business Partner – Regulatory advised that in addition to the options of either approving or rejecting the application, members could defer the decision pending a public enquiry but this was not recommended.

Members were given the opportunity to ask questions and debate the application.

In response to committee member questions, Officers advised that their interpretation of section of 19 was how the council dealt with the application. If the council had properly dealt with the application and registered what had been applied for, this was not a mistake by the authority that could be corrected, but if it was a mistake on any other issue it would not be a mistake within section 19 by the authority that could be corrected, equally if it was wider than that Officers did not feel the evidence submitted was enough.

In relation to the tithe map the issue regarding what was or not shown on this was not relevant to the application.

The 1957 Winfrith Act did not include Knighton Common, however the applicant believed that it should have been.

Following a claim by the applicant's Legal Representative that the Officers had exceeded their remit by making recommendations, the Legal Business Partner – Regulatory advised that the Officers' role was to advise the committee of their comments, professional view and guidance, having had regard to the evidence. If members felt that was incorrect, they were entitled to reach a different decision.

The 1972 enquiry that found there was no owner to the land did still carry weight in relation to the land in question, and the original paper copy should be considered the correct record.

Proposed by Cllr Ridout, seconded by Cllr Penfold

**Decision: that:**

**(a) The application CLD 2022/1 to correct the Register of Common Land by removing land registered at Knighton Common, Winfrith Newburgh is rejected.**

**and**

**(b) The Register of Common Land remain unchanged.**

**14. Urgent items**

There were no urgent items.

**15. Exempt Business**

There was no exempt business.

**Duration of meeting:** 10.00 - 10.48 am

**Chairman**

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