

LAND AT LONGBRIDGE ROAD, BRAMLEY

NOTE

1. I advised in writing on this matter on 3rd March 2011 and by telephone on 6th May.
2. Ms Baker, the applicant for registration, has seen my Advice and made some comments on it. I have explained over the telephone that the points which Ms Baker makes do not cause me to revise my conclusions and I am asked to confirm the oral advice in writing.
3. The points concern a population statistic referred to in the Advice which was drawn from representations on behalf of the Objector. Whilst it is correct that I referred to the percentage figure when summarising the Objector's submissions, having analysed the caselaw and set it in the context of the 2000 legislative reform, however, I rejected a 'mathematical' approach (paragraphs 3.4, 3.11). I concluded, at paragraph 3.12, that an applicant "*should, as a matter of law,*

demonstrate a genuine relationship between user and the claimed locality or neighbourhood(s)... relevant factors will be numbers, geographical spread and physical functional links between the claimed green and the whole of the specified locality/neighbourhood". I went on to state my opinion, which I still hold, that the inspector had not reached his conclusion on what I regard as the correct legal principles. Not having heard the evidence, I was rightly not asked to comment on the inspector's factual findings, nor to reach a final conclusion as to the merits of the application, and I did not purport to do so.

4. I shall be happy to advise further if necessary.


MORAG ELLIS QC
11 May 2011

2-3 Gray's Inn Square
London WC1R 5JH

**IN THE MATTER OF S.15 COMMONS
ACT 2006**

**AND IN THE MATTER OF AN
APPLICATION FOR THE REGISTRATION
OF LAND AT LONGBRIDGE ROAD,
BRAMLEY AS A TOWN OR VILLAGE
GREEN**

NOTE

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